TULANE LAW SCHOOL
TULANE ENVIRONMENTAL LAW CLINIC

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U.S. Army Corps of Engineers, Mississippi Valley Division
Public Affairs
Attn: Sara Robinison
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Dear Rankin Hinds Pearl River Flood Control & Drainage Dist. and U.S. Army Corps of Engineers, Mississippi Valley Division:

Introduction

The Rankin Hinds Pearl River Flood and Drainage Control District's (Drainage District) locally preferred plan, the proposed Federal Flood Risk Management Project for Rankin Hinds and Rankin Counties, MS is authorized by Section 3104 of the Water Resources Development Act of 2007:

> *Section 3104 of WRDA 2007 modifies the Pearl River Basin project authorized by Section 401 (e)(3) of WRDA 1986 to authorize the Secretary to implement a flood damage reduction project at a total cost of $205,800,000, with an estimated Federal cost of $133,770,000 and an estimated non-Federal cost of $72,030,000. Further, section 3104 provides that the Secretary may construct the national economic development (NED) plan, the locally preferred plan (LPP) or some combination thereof, subject to a determination by the Secretary that the LPP provides the same level of flood protection as the NED plan and that the LPP is environmentally acceptable and technically feasible. A copy of section 3104 is enclosed for your information.*

Implementation Guidance for Section 3104 of Water Resource Development Act of 2007 Pearl River Basin Mississippi.

Congress required that a plan for flood control be "**environmentally acceptable** and technically feasible" in Section 3104 of WRDA 2007 while at the same time giving the non-federal sponsor, the Drainage District, considerable latitude in choosing among the National Economic Development (NED) plan, the Locally Preferred Plan (LPP) plan or some combination of these. At the time of writing, the structural/non-structural alternative to dredge the Pearl River,

build a weir, and do certain flood plain buyouts of property selected by the Drainage District is termed the Tentatively Selected Plan (TSP) and is stated to be the LPP as well as the NED plan.

Through an examination of the Draft Environmental Impact Statement (DEIS), prepared by the Drainage District, it is manifestly evident that the TSP proposal to dredge the Pearl River and its banks to widen and impound the river at 258' above sea level with a weir creating a 1900 acre lake, fill and elevate 1861 acres of functioning wetlands is **not an environmentally acceptable plan** for flood control for Jackson Mississippi for the reasons listed below and therefore must be rejected in favor of other less environmentally damaging alternatives.

Comments

I. The DEIS Fails to Comply with the National Environmental Policy Act

A. The Purpose, Scope and Need Statement Fails to Comply with NEPA

1. The Purpose and Need Statement operates on a Project Scope that from the outset limited the Study Area to a small geographical region on a large river is improper given the many 2013 comments asking for the Lower Pearl River's needs to be considered.

In the WRDA 2007 Section 3104 language authorizing the Section 211 project, the geographical scope of the project is provided as: "*...that portion of Jackson, Mississippi and vicinity, located below the Ross Barnett Reservoir Dam...*" In a November 6th, 2014 meeting Gulf Restoration Network requested in Vicksburg at the MVK offices with Rankin Hinds Pearl River Drainage District personnel, Vicksburg Corps personnel (Matt Mallard, Barbara Peterson), Gulf Restoration Network asked Drainage District attorney Keith Turner if the Section 3104 language quoted above dictated how big or small the study area needed to be under the statute. Turner explained that as the DEIS writing was proceeding in 2014 that the study area had not been expanded beyond Rankin and Hinds Counties.

It was clear in 2013 scoping comments from non-profit environmental organizations (Gulf Restoration Network, Mississippi River Delta Restoration Coalition, Lake Pontchartrain Basin Foundation) and from Louisiana State Agencies (LDWF, CPRA) that water quantity and estuarine ecology issues at the lower end of the Pearl River Basin needed investigation if another lake was to be constructed on the Pearl River. These scoping comments were received by the sponsors, but not heeded. Turner, at the 2014 meeting responded to a question from me, replying that the study area was not to be expanded beyond that area provided in Section 3104 and that the project area was even smaller than that of the study area. What is a NEPA scoping process for if the comments on the extent (scope) of the study area don't produce improvements in the final study? In this case the sponsors certainly did not respond to the comments to improve the project's environmental studies.

2. *The Purpose and Need is statement is inadequate and omits a discussion of the Ross Barnett Reservoir.*

A Purpose and Need Statement is to describe what a sponsor is trying to achieve by proposing an action. The Purpose and Need Statement explains to the reader why an agency action is necessary, and serves as the basis for identifying the reasonable alternatives that meet the purpose and need.[1] In the history of flood control projects in the Pearl River Basin from 1960 forward given in section 1.3, there is no mention at all of the Ross Barnett Reservoir. The flood protection need is not discussed in section 1.1. which is the Purpose and Need paragraph. Section 1.3 which does discuss need concerns itself mostly with providing a history of the local and federally sponsored actions relevant to the Pearl River drainage, but again does not describe why this action is necessary or serve as a basis for the identification of alternatives. In the project history, there is no mention of the building of the Ross Barnett Reservoir in 1963-1965. Managing the Reservoir flood-gate releases through Jackson's urban reach of the Pearl River is at the heart of the need for choosing an alternative to lessen neighborhood flooding in Jackson due to urban creeks backing up, and due to the threat of levees failing and being overtopped. Not mentioning the Reservoir, dam or its flood gates in the need statement and not listing it as one of the major projects affecting the Pearl River in Jackson is a large oversight and should be corrected.

B. The DEIS Alternatives Analysis Fails to Comply with NEPA

1. *The Rankin Hinds Drainage District's 2013 vote, five years ago, to select the lake as the Locally Preferred Plan at the beginning of the Scoping process caused the DEIS to be written with a bias for the lake alternative.*

The Drainage District never intended to objectively compare alternatives before arriving at a Tentatively Selected Plan (TSP). The decision to pursue a lake dredging project as a flood control solution was made quite transparently by the vote of the Drainage District in 2013. The lake is described in the DEIS as the Locally Preferred Plan, the TSP and as the National Economic Development plan (NED). The basic problem with the DEIS and the process that led to its creation is that in the minds of the Rankin Hinds Drainage District's Board of Directors, the lake alternative has always been their goal for a new federally funded flood control project for the Jackson Metro area of Rankin and Hinds Counties.

2. *The Elimination of a no-damming channel modification alternative between the 2013 scoping process and the release of the DEIS was improper.*

In the 2013 Scoping period, a no-action alternative and four action alternatives were presented. By the time the DEIS was published in 2018, only three action alternatives were described. The structural measure calling for Flood Storage and Channel Improvements was removed. The lead agency or agencies must "objectively evaluate all reasonable alternatives, and for the alternatives which were eliminated from detailed study, briefly discuss the reasons for

[1] A Citizen's Guide to the NEPA. Council on Environmental Quality. Executive Office of the President. December 2007.

their having been eliminated" (40 C.F.R. Sec. 1502 (a)) The explanation of the development of plans 6, 7, and 8 in the Plan Formulation section Appendix A gives a conclusory explanation of why the channel modification option was eliminated for further consideration.
In light of comments by the U.S. Fish and Wildlife Service submitted to the Drainage District on August 16th, it was unreasonable to remove channel modifications or other near-channel excavations from the final array of alternatives for consideration, especially since no damming or impoundment is necessary with them. Excavation of the mowed floodplain between RM 284 and RM 290 was recommended as a way to reduce water surface elevations and provide fill for levee construction:

> 3) Excavation of the mowed floodplain between RM 284 and RM 290 to a lower elevation would reduce water surface elevations while still allowing maintenance mowing. This should lower flood stages through this area reducing the chance of levee overtopping and reducing the height of proposed levees. Soils removed, if suited, should be used in levee construction." Floodplain excavation could also include removal of the floodplain portion of the Gallatin Street landfill near RM 285, a site identified in the EIS that is leaching chemicals into the groundwater and potentially into the Pearl River.

USFWS Comment letter to Michael Goff, August 16, 2018, p.11.

3. *The inclusion of pumps with the levee alternative doubled the levee cost and was not consistent with earlier ACOE levee plans or analyses.*

The August 16th comment letter from USFWS to Michael Goff refers to the ACOE 1996 levee plan and recommends that levees be pursued as a flood control alternative rather than the environmentally damaging lake dredging plan.

It became apparent during a reading of the DEIS that the elimination of the channel modification alternative reduced the the array of action alternatives in the DEIS to a pair of costly "straw-man" alternatives (floodplain buyouts and levees) to compare with the "locally preferred" lake dredging alternative. The comparison is quite stark if cost alone is considered. In addition, the non-structural methods that did not cost as much as wholesale relocation of large parts of Jackson were not discussed in any meaningful way. Removed from serious consideration were: elevation of structures, flood proofing, flood warning planning, and more floodplain ordinances. Relocation, the most expensive and most complex non-structural alternative, was embraced, which the sponsors say would cost $2 billion which is 5.7 times as expensive as lake dredging at $350 million and is 2.6 times as expensive as levee construction at $720,000,000.

In 2010 the Mississippi Legislature's Joint Committee on Performance Evaluation and Expenditure (PEER) was directed to do a study on the Rankin Hinds Drainage District and the history of the flood control options developed for the Pearl River in Jackson, Ms. The 2010 PEER Committee Report #540 on the flood control alternatives did not calculate such a high cost for levees, and determined that a single lake project was more expensive than a levee plan for Jackson. It likely did not include the cost of pumps in its estimate.

The USFWS August 16th comment letter to Michael Goff likewise focused on the sponsor's decision to include $312 million in their levee alternative for the cost of pumps at the mouths of the various urban creeks that would have to be closed off to the river. According to the DEIS writers, pumps are a necessary component of a levee plan. This is due, they say, to an updated interior analysis which "appeared" to justify the need for pumping stations. (Appendix A p. 34, line 16) However, the USFWS stated in its comment letter, "… previous Corps studies found that pumping facilities (i.e. plants) were not economically justified, with costs exceeding benefits by at least an 8 to 1 margin for each of the pump areas." This statement cited the 1994 USACE draft Feasibility Study.

Removal of the pumps from a $720 million dollar levee project would lower a levee project's cost to $408 million which is much closer to the proposed lake's cost. A revisiting of the Legislative PEER report's 2010 justifications and reasoning would be warranted to see how the State of Mississippi arrived at its conclusion that levees cost less than a single lake plan. This was a mere three years before the start of the scoping process for this DEIS and the cost and financial calculations by the State's PEER staff would not have been "stale" for comparison purposes. The State would have to put $70 million of "match" money toward any flood control plan approved under WRDA (2007), including a levee plan, and the State should be in a much better position to monitor projected project costs and expenditures than the Rankin Hinds Drainage District which does not have the staff or resources for such an evaluation.

Removing the pumps makes the levee option much less of a "straw-man" for the Drainage District's argument about project cost. A transparent examination of the justification for using pumps in its levee alternative should be required of the Drainage District in its preparation of a new draft Environmental Impact Statement. This comment writer agrees with this recommendation of the USFWS comment letter of August 16th, 2018: Another draft of the EIS should be prepared and presented before this document goes into any ACOE final decision process.

4. The Alternatives Analysis elevates the most environmentally destructive alternative as the TSP.

While it doesn't necessarily prevent a project from being approved, elevating the most environmentally disruptive flood control alternative cannot be good for the Pearl River's physical characteristics, local ecosystem or downriver aquatic habitats. The USFWS August 16th letter describes the dredging alternative chosen as the TSP as the "**most environmental damaging plan**" after the Service's review of habitat and wildlife effects of lake dredging. They did this review in furtherance of the Agency's duties under the federal Wildlife Coordination Act. No other alternative comes close to filling 1861 acres of riparian wetlands (almost three square miles), or turning quite so much valuable floodplain forest habitat into 1900 acres of open water. Not counting comparative habitat values or their change of function from riverine (fluvial, lotic) and wetland to lacustrine (lentic), no other alternative (levees or non-structural) comes close to the total acres of alteration to the river's physical features and its associated riverside habitats as the proposed lake dredging option.

It is noteworthy that ecological impact reasons (environmental damage) were cited in a dozen (12) enacted resolutions against this project since 2013. These were enacted by the Mississippi Commission on Marine Resources at the states Marine Resources Agency (MDRM), The Louisiana Legislature (SCR5 of 2018), four Counties and one town in Mississippi and two Parishes and three towns in Louisiana. Every County or Parish downstream of Columbia, Mississippi is on record against the dredging of another lake on the Pearl River by the Rankin Hinds Pearl River Flood and Drainage Control District.

C. DEIS Fails to Properly Evaluate Project Impacts

1. The DEIS fails to examine Reasonable Foreseeable Site-Specific Impacts

a) Conversion of Uses of Park Property

In maps produced by the Drainage District in the Wetland Delineation and Determination section of Appendix D, the southeast corner of LeFleur's Bluff State Park, covering approximately twenty (20) acres is included in the river bottom and bank area to be affected by river dredging. The history of the deed granting language for the land that now comprises Lefleur's Bluff State Park demonstrates that all grants have been made for public park purposes. The State of Mississippi granted the city the Old Asylum property for "park purposes" in 1944. A subsequent grant of Riverside Park back to the State also contained a deed restriction for park purposes in 1986. A 1984 notice of "limitation of use" exists in Hinds Chancery court Deed Book 2980, page 318 that covers land in Riverside Park acquired through the use of federal funds from the Land and Water Conservation Fund. In the Notice of Limitation of Use Agreement, the language cites 16 U.S.C Section 4501-5 et seq.(1970) and provides " this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without express written approval of the Secretary of the Department of the Interior." This language and the earlier deed restrictions would need examination if State Park recreation land became dredged for flood control, or became filled and then developed into a commercial use, pushing the land into uses not contemplated by the granting language. It is reasonably foreseeable that placing the footprint of the lake alternative's profile on any amount of acreage of existing park land will cause a site-specific impact sure to raise objections by state park users.

b) Water Temperature Change due to Loss of Canopy

Discussions of impacts (alterations) to Pearl River water temperature appear in the various DEIS documents presented by the Drainage District. If the dredging and widening (Alternative C) is pursued, it is reasonably foreseeable in the work zones along the Pearl River that water temperatures on a wider river surface area (a river dredged and widened from its present 300 foot width to 1500-2000 feet wide) would respond by rising in most seasons of the year. The lake alternative calls for removing most of the riparian tree canopy (mature trees along the river's banks) that currently provides shade to the water during part of each day. Tree removal and the creation of new land using dredge spoil will result initially in denuded riverbanks over most of the ten miles of the project area. With more hours of sun exposure each

day, water temperatures can be expected to rise in river reaches with denuded bank areas in the dredging work zone. In Alternative C, the plans for the revegetation or development of the spoil areas are not specific enough to predict with any certainty whether the degree of tree shading seen pre-project (No Action) would ever be re-established or otherwise recover after dredging and wetland filling. Indeed p. 20 of HEP analysis Appendix D makes the assumption that dredge disposal areas will become urban development areas.

c) Water Temperature Change via Radiated Heat from Hardened Banks

Along a developed urban riverfront, the use of concrete walls, rock riprap, sheet piling or other engineered materials is reasonably foreseeable in order to stabilize soils along the twenty miles of newly exposed river banks and protect them from being eroded during high water events. Hardening at the toe of spoil piles (levees), and other erosion control engineering would also be necessary to prevent washing of dredge spoil back into the river during rainfall. Urban waterfronts being used for comparison to the One Lake project, like the San Antonio Riverwalk have hardened river banks. Hardened banks of lakes and rivers absorb heat from the sun during the day and radiate it back into the water both during the day and at night. It is reasonably foreseeable that as a result of lake construction, the loss of canopy and the consequent hardening of banks will cause more insolation to be absorbed by the hardened structures and bank features along the river. Radiated heat produced by these hardened/engineered features will raise water temperatures in the Pearl River within the project area - a widened urbanized riverfront.

d) Impact on Nutrient TMDL, Savanna Street Sewage Treatment Plant

There was a Total Maximum Daily Load Report (TMDL) developed in 2015 for the Pearl River from the Barnett Reservoir Dam downriver to the Strong River's confluence with the Pearl. The Reservoir and the Pearl River were both described in that report as eutrophic waterbodies. Although the TMDL set nutrient limits for Nitrogen and Phosphorous on permitted dischargers in this section of the Pearl, the statement was also made that in the absence of NPDES discharges to the Pearl, sufficient non-point sources of N and P pollution exist such that these alone would be enough to keep the Pearl River nutrient impaired. Water temperatures were measured in the existing downstream reach of the Pearl River below the Barnett Reservoir during two sampling periods in July 2014 and reported in the DEIS. In one of the measurement periods, July water temperatures below the Ross Barnett Reservoir were in excess of 90 degrees Fahrenheit (30 C) which violates state water quality standards as delineated in the MDEQ Water Quality Criteria for Intrastate, Interstate and Coastal Waters (2007). Without the widening and dredging project in urban Jackson, the Reservoir discharge water is presently capable of entering the tailwater at an elevated temperature, in violation of state temperature standards (>90° F). If the "One Lake" dredging project proceeds, after release from the Barnett Reservoir dam, river water will travel about seven miles before it enters the ten-mile long dredged and widened section, where the surface area of the river will be broader than present, unshaded, and subject to additional daytime insolation, as well as radiant heating (see: section above on hardened banks) from an urbanized, hardened, riparian area. Extra heating of water in the urbanized reach will ensure that when water leaves the weir or low head dam at Richland, it will have gained ambient heat energy. The addition of the Savanna Street Sewage Plant's effluent to the river in the mile

below the weir will cause the nutrient-rich treated sewage to mix with water of elevated temperature. In the MDEQ's Pearl River Nutrient TMDL document from 2015, modeling predicted that the "critical cell" of the Pearl for low dissolved oxygen and high algal growth (creating conditions for night-time dissolved oxygen D.O. "sags") was downriver just north of the confluence of the Strong River with the Pearl River. It is likely that an additional "critical cell" for D.O. sags will appear downstream of the point at which sun-warmed river water mixes with nutrient-rich water from the Savanna Street sewer plant, or any new sewer plant. This new "critical cell" will merit additional concern for dissolved oxygen sags, and oxygen supersaturation problems. An updated TMDL may be required by MDEQ, along with the emergent need for water treatment to address the synergistic effects of elevated temperature on an already eutrophic river. It is reasonably foreseeable that nutrient pollution conditions delineated in the 2015 Pearl River Nutrient TMDL will worsen due to the elevated water temperatures in a wider, less shaded river section if the Pearl is allowed to be transformed into a slower lacustrine environment by the One Lake project. It is foreseeable that a new "critical cell" for dissolved oxygen sags and algae growth will be created by the combination of Savanna Street sewage effluent with river water of a higher temperature than that found in current conditions. It is clear, even from the Drainage District's limited DEIS water quality study efforts, that current water temperature in the Pearl can already violate Mississippi DEQ Water Quality Standards. Modeling in the DEIS did not cover how creating a new dredged lake section on the Pearl River might predictably exacerbate these conditions.

In Appendix D (Water Quality), the only critical condition for the Pearl River identified by the DEIS' limited sampling was an instance when a localized summer storm over Jackson caused large amounts of runoff to flow into the urban creeks that drain to the Pearl River. A dissolved oxygen sag happened July 11, 2014 at the two locations (PR-1, PR-2) sampled above the Water Works low head dam (weir) and the well mixed (not stratified) river was below 5 ppm of dissolved oxygen from surface to bottom at both sampling stations. The low dissolved oxygen was blamed on stagnant water in urban creeks being flushed into to Pearl although other factors could have been at work, like elevated water temperature. Also from the discussion on Appendix D, page 47, the river flow was at 290 cfs during the storm event. It is important to note that the new low flow floor for the Savanna Street sewer plant is 227 cfs. Dissolved oxygen was apparently depressed by a rainstorm causing urban runoff to flow into the river when it was measured during a 290 cfs flow which is higher than the new critical low flow "floor" of 227 for the Savanna Street plant. The new lake project only is required to produce 227 cfs from its weir to satisfy effluent dilution at the Savannah Street sewer plant's mixing zone. The limited sampling of July 2014 (10 days total) indicates that for flows between 290 and 227 cfs, other dissolved oxygen "sags" during rain storm events should be expected. This impounded section of the river, post-dredging and widening, will move even slower and should have warmer water due to inputs of heated water > 90° F from the Ross Barnett Reservoir, a broader surface area, and the loss of shading riparian canopy once post-dredging project conditions become established. If the sampling showed dissolved oxygen deficits below 5 ppm at 290 cfs, at flows below 290 cfs, a hotter river should be able to reproduce D.O. sags reliably any time when summer storms (or possibly all storms) flush polluted water from the urban creeks into the Pearl. If dissolved oxygen levels can be expected to frequently fall below 3 ppm, oxygen stress for fish and other aquatic life must be taken into account in lake design, and mechanical aeration or

spraying may be required in the impounded reach of the Pearl to protect aquatic life. The Alternative "C" project should be subject to an NPDES permit due to the likelihood that it will cause the river to violate state water quality standards. This could require mechanical aeration.

2. The DEIS Lacks Scientific Integrity in its presentation of physical features of the Pearl River

a) Changes to Slope of the River Channel from Dredging.

Dredging the bottom of the river deeper is a reliable way to alter the slope of the river bed. Usually, dredging in an alluvial stream's bed will cause sediment to move into the stream bed from bank and/or bed erosion upstream. This "headcutting" is a predictable process on a fluvial system after a physical disturbance to slope. The DEIS does not contemplate this type of impact to the river channel and to overlook it in a discussion of dredging in an active alluvial, coastal plain river like the Pearl is a sign of inattention to basic river science.

The stream or river tends toward recovery of a dynamic equilibrium among slope, discharge, and the amount and particle sizes of sediment able to be carried by moving water. Eroding stream banks and beds provide sediment toward re-establishment of this equilibrium. Headcutting manifests as headward, upstream movement of bank collapse as the river cuts down and out into soft bed and bank materials or alluvium. This is also known as accelerated erosion[2] and the process reliably moves upslope on land (gully formation) and upstream and up main channels and tributaries of the main channels of streams and rivers. The end result is the undercutting and collapse of riparian forests and vegetation along the main stream channel and up tributaries.

Digging into the channel of any river or stream can produce headcutting, and the resulting erosion process is most active at higher river stages and flood stages. Grade control structures of rock or concrete can be built completely across streams, keyed into upper banks, to harden a point on a stream that then functions to stop the upward migration of a headcut. A waterfall or cataract at a stream's fall line serves as a defacto grade control structure. On rivers like the Pearl, in the absence of some kind of hard bed material such as a vein of hard clay, sandstone, limestone etc., headcuts can progress miles up main channels of streams and up tributaries. Dredging in the Pearl to deepen and widen it for lake creation may start headcuts on the main channel and up any of the urban creeks that meet the Pearl between Lakeland Drive (Hwy 25) and the new weir at Richland, Ms. River and stream channels become unstable when they contain active headcuts. To fail to mention headcutting in DEIS section 4.5.1 which deals with Soils, Water Bodies and Prime and Unique Lands is an oversight.

Changes in slope on any fluvial system are long-term and major in intensity whether considering direct, indirect or cumulative impacts. Cumulative impacts to slope also would necessarily include the downcutting of the Pearl River channel in the project area. One good way

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[2] Mississippi Streamside Landowner's Handbook. Mississippi Museum of Natural Science Technical Bulletin No. 100 (2003) p.p. 7-9.

to visualize the results of a down-cut degraded channel is to compare the elevation of the main river channel to the elevations of sloughs, oxbow lakes and other floodplain water features that are "perched" next to the Pearl at higher elevations than the river's existing channel. The "perched" nature of many of the off-channel backwater sloughs and oxbows along the Pearl River reveals the degree of channel down-cutting that has occurred. The backwater wetlands along the river are higher than the elevation of the river channel itself, and the difference can be 8-15 feet. This is likely due to the scouring of the river bed and banks during the high flows that take place during large, channel forming, discharges from the Ross Barnett Reservoir. Changes to riverbank soils due to alterations to the slope of the river bed will be long term major changes to the Pearl River. The DEIS describes the alterations as long term and moderate. Re-working of a channel's conformation due to headcutting is always a major change in a stream's physical characteristics.

b) Water Temperature in a Dredged Widened section of River

Water temperature in the Pearl River below the Ross Barnett Reservoir's floodgates was recorded over ten days in two sampling periods in July 2014. The modeling done for temperature and other water quality parameters is based on only ten days of actual measurements. During both July sampling periods, temperatures exceeded 90° F which is in excess of MDEQ's state water quality standards for water temperature. A temperature of 92.6°F was reached on July 23rd. The stations PR-1 and PR-2 where these high temperatures were recorded are seven river miles below the Ross Barnett Reservoir's flood gates in a section of the river that is pooled (and relatively deep) due to the existence of the low head dam at the Fewell Water Treatment Plant. Conclusions about water temperature based on the small amount of data are not robust, and at times seem to be conjecture. The lack of water quality data for the project reach is severe. A project of this magnitude requires much better resolution of existing water quality conditions for adequate impact assessment.

Based on the limited data, the model results predict that for Alternative C, (the dredged lake) temperature is predicted to have fewer diurnal swings and be more stable than the present condition of the Pearl River because of a greater depth of water for Alternative C compared to existing conditions (Appendix D, 4.3.7, p 63). Data from the July 2014 field work show that the deeper and slower section of the Pearl River can get quite hot and that it can stratify as shown by measurements of both temperature and dissolved oxygen. A wider, slower, more lacustrine section of the Pearl River envisioned by Alternative C, seemingly should do these same things: stratify and get hot.

The discussion of water temperature on DEIS pages 188-189 shows why the water temperature would go up. In the discussions of Alternative B and its direct impacts on Aquatic and Fisheries Resources on page 188, the text states, " the removal of tree-sized vegetation would effectively eliminate much of the shading along the river channel and sloughs, which would lead to increased water temperature, especially during the summer months, and could result in indirect impacts to the aquatic fisheries resources within the open water habitats" This impact (due to clearing for levees) was listed as moderate in intensity and long-term in duration. Levee construction would **only remove some** of the forest canopy along the Pearl, while

widening and dredging the Pearl to create a 1900 acre lake would **remove nearly all** of the riparian vegetation (1861 acres - 2.9 square miles) including **the entire** shading tree canopy along the Pearl River. This is listed on page 206 of the DEIS as "major in intensity and long term in duration"

To be clear, a near total lack of tree-shading on the dredged, widened section of the Pearl River will lead to more hours of direct sunlight striking the surface of the river. Since the depth of the newly constructed lacustrine section of the Pearl River in the dredged and widened section (Alternative C) will also be designed with varying water depths to offer some fish habitat diversity (DEIS page 190 line 19), it is basically disingenuous to state that the limited modeling performed (ten days of baseline data in one month of the year) can predict that water temperatures in the dredged section of the river under Alternative C will be as stable as they are now or more stable due to greater overall depth. Did the water quality modeling take into account the lack of tree shading and the varied depths of the river section in Alternative C? We don't know this.

Water from the Ross Barnett is released from its heated upper layers, and if water temperatures on the Pearl River seven miles downstream of the Reservoir's outlet at sampling sites PR-1 and PR-2 can exceed 90 degrees Fahrenheit (which also exceeds existing MDEQ state water quality standards) then it seems plausible that a section of the river widened, slowed in velocity, and rendered completely devoid of tree canopy will gain heat. The degree that increased depth may play in moderating this effect is likely minor, but the modeling does not explain the interactions among the model effects, or the assumptions on which the model was built.

It is telling that after discussing the adverse impact that canopy removal would have in Alternative B (levee construction) on page 188, the next page which describes fish habitat affected by Alternative C completely lacks a discussion of water temperature which would be impacted to some degree by the dredging and widening of the Pearl into a slower lacustrine environment lacking any tree canopy to provide shade. The wildly uneven discussion of the effect of water temperature on fish habitat on pages 188-191 of the DEIS lacks scientific integrity. If the limited July 2014 water quality modeling has something to contribute to the post-project effects of Alternative "C" on water temperature and its effect on aquatic life in the Pearl River, this seems to be a good place to state it. It is likely that the effect of Alternative C on water temperature is long-term and major. The DEIS writers need to justify their opinions to the contrary.

c) Channel Stability (Erosion and Sedimentation)

The apparent vertical and horizontal stability of the Pearl River channel downstream from Ross Barnett Reservoir is remarkable. For a single-thread, meandering sand bed river, that experiences as wide a range of discharges as this reach does, not to respond to the reduction in bed material sediment load that likely occurred due to the closure of the Ross Barnett Dam is surprising. As stated in the DEIS, the reach must be receiving sediment from either the reservoir, tributaries or bank erosion. The preliminary assessment in Appendix C, pp. 1-17 indicates that current sediment transport capacity is more than twice the sediment supply. What prevents the channel from eroding its boundaries more than it does? The same assessment indicates that the

project will decrease the sediment transport capacity within the project by 1 to 5 orders of magnitude. It would seem more study is needed, even at this stage of project development. The lack of sediment data (to allow estimates of the quantity and sizes of sediments moving through the proposed lake) is important. The proposed lake may become a sediment trap requiring frequent maintenance in order to maintain flood management capability. Regular dredging of the Pelahatchie Bay arm of the Ross Barnett Reservoir happens so that boat channels can be maintained. Spoil islands on the side of the channel are created by the dredging there. Movement of sand through the Ross Barnett flood gates needs more investigation. It is doubtful that enough sand is going through the flood gates of the dam to maintain pre-dam levels of sediment flux and thus maintain channel stability.

In the absence of data for the tributaries to the project reach, the EIS resorts to using an average of sediment yield for northern Mississippi abandoned fields (0.141 tons/acre/year, from Dendy et al. 1979) increased by 25% to be conservative (0.176 tons/acre/year) to estimate the flux of sediment from the tributary watersheds which are characterized by urban and suburban land use and land cover. Instead of this strained use of agricultural data to approximate urban streams, the plentiful sediment data and instantaneous discharge measurements available for Mill Creek watershed in Rankin County might be used to develop a suspended sediment rating curve for Hanging Moss Creek to generate an estimate of average sediment yield more typical of the project area, despite the fact that Mill Creek is less developed than Hanging Moss Creek and other tributaries to the project reach. Mill Creek is now contributing large amounts of sediment to the Pelahatchie Bay arm of the Ross Barnett reservoir (where periodic dredging is necessary to keep boat channels open). Such a rating curve shows an annual sediment flux of 4,833 tons which equates to an annual yield of 0.45 tons/acre per year for Hanging Moss Creek. This is more than twice as great as the value presented in the DEIS.

Channel bed erosion should be studied using thalweg surveys which may be available in Flood Insurance Studies. Also in the boat and walking surveys of the river, no mention was made of the degree of difference in elevation between the river channel and the perched sloughs and oxbow lakes found along the floodplain. Both Mayes Lakes in LeFleur's Bluff State Park are "perched" up on the floodplain between 8 and 15 feet higher than the channel of the Pearl River. This would seem to indicate a degraded, downcut channel in this section of the river, which was not identified in the field surveys conducted for the EIS.

Earlier iterations of the single lake project on the Pearl River, such as drawings done during the Andres Douany charrettes featured a sediment trap dug into the river at the head of the single lake project upstream of Hwy 25. Even then, the architects and engineers must have suspected sediment problems in a lower lake and incorporated that feature to make maintenance easier if a single lake "One Lake" version was eventually chosen and constructed.

d) Bank Stability

A 2009 TNC Pearl River Geomorphic and Sediment Assessment for the Pearl River in Mississippi and Louisiana[3] produced results in contrast to the conclusions of the DEIS. More sampling was done for that study than for the District's DEIS, and the study area was much larger. It provided the following description of the Pearl River Channel in the vicinity of the project area for this DEIS:

> The channel type progression observed for the Pearl River suggests that the upper section of the Pearl River (reaches 1-12) have been perturbed at some time in the relatively recent past (within the past 50 to 75 years) as evidenced by development of a channel type indicative of unstable conditions. Such a channel response may result in the delivery of excessive sediment loads to the river, and in the degradation of in-stream and riparian habitats. With increasing distance downstream from Jackson MS, the progression of channel types within the Pearl River from G- and F- type channels, through alternating C>F and C-type channels, to C and C>E channels represents frequently observed upstream to downstream sequence of channel types found in rivers adjusting to one or more previous basin-scale disturbance events (Rosgen and Silvey 1996, Rosgen et al.)

The DEIS describes a stable channel, while the TNC study found in 2009 that the river was still adjusting to the disturbance caused by the construction of the Ross Barnett Reservoir 50 years earlier. A representative of Gulf Restoration Network mentioned this TNC study to the Drainage District's attorney, Keith Turner, in 2013 and his comment was that he didn't agree with TNC's data or conclusions. The Nature Conservancy study had more data collected over a much longer area of the Pearl River by reputable river scientists. The amount of channel instability and bank failure associated with Reservoir discharges still in evidence on the Pearl River and the shoaling in downstream areas tends to support the conclusions of TNC's study and calls into question the conclusions of the Drainage District's sampling and study.

For bank erosion, the DEIS provides an estimate of 14,900 cubic yards/year based on comparison of aerial photographs. The comparison of aerial photography is a weak method since the coverage does not span a very long time relative to the age of the reservoir (1996-2010) and is limited to Google Earth. Additional, earlier coverage is likely available from the USDA, NAIP, or USGS. The air photo analysis is also lacking an estimate of error and uncertainty (for example, see Micheli and Kirchner 2002)[4] and (Legleiter 2015).[5] It is likely that the reported bankline changes are outside the bounds of precision. Cross sectional surveys would be a more

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[3] Geomorphic and Sediment Assessment of the Pearl River in Mississippi and Louisiana. Louisiana Field Office of the Nature Conservancy. T.B. Kennedy and C.S. Haase. Contracted by MDEQ, LDEQ. 2009.

[4] Micheli, E.R. and Kirchner, J.W. (2002) Effects of Wet Meadow Riparian Vegetation on Streambank Erosion. 1. Remote Sensing Measurements of Streambank Migration and Erodability. Earth Surface Processes and Landforms 27, 627-639.

[5] Legleiter, C.J. (2015). Downstream Effects of Recent Reservoir Development on the Morphodynamics of a Meandering Channel: Savery Creek, Wyoming, USA. River Research and Applications 31,1328-1343.

reliable way to measure bank erosion, but the DEIS reports that the only available survey of this reach is from 1991. In the 1996 levee plan Feasibility Study EIS by the Corps of Engineers, the following passage belies the statements in the DEIS about the scarcity of cross sectional channel data available:

> ine cross sections were obtained on the Pearl River. These sections were taken to verify the previous hydrographic surveys taken in June 1991 and were as near as possible to the sites of the original sections.

Stability of existing banks should be assessed using the BSTEM model, available from the National Sedimentation Lab in Oxford, MS.

The scientific integrity of a study such as this DEIS must be questioned and criticized for using simple methods like Google Earth photograph comparison instead of actual measurements of channel cross sections to make conclusions about stability of channels. Using farm field sediment erosion estimates instead of more localized sediment data is another scientific weakness of the DEIS study. The failure to narrow the largest source of sediment for the Pearl from among the Reservoir, the tributaries and the watershed is another weakness of this DEIS study. Leaving a more detailed and precise sediment analysis for the subsequent planning and engineering stages of the project is a failure of this DEIS because changing the Pearl River to a more lacustrine, slower flowing environment will have significant consequences for the sediment carried by the river. These questions need answers *a priori*, not later. Dredging sediment from the project area will likely be necessary to control depth and therefore to affect the project's capacity to operate efficiently – to move flood discharges through Jackson at a lower surface elevation. Sediment production and transport should have been approached more seriously and with better data and methods.

e) Fresh Water Discharge, Water Quantity and Evaporation

The amount of water that flows through the project area if Alternative "C" or any other design chosen is governed by the operation of the flood gates at the Ross Barnett Reservoir. On August 16th 2018 in Baton Rouge, La., the representatives of the Drainage District were questioned about minimum flows out of the Ross Barnett Reservoir dam by the members of the Louisiana Joint House Senate Lower Pearl River Ecosystem Task Force. It was clear from the incomplete answers provided to the Task Force members that the Drainage District has not had necessary conversations about minimum flows with the Pearl River Valley Water Supply District - the agency that manages the discharge of water from the Ross Barnett Reservoir into the tailwater reach of the Pearl River and into the Lower River downstream of Jackson, Mississippi. Not knowing detailed information about the origin of the present low-flow release agreement that controls Reservoir operations is inexcusable for a government agency - this Drainage District.

The DEIS is written to assure that flows on the Pearl River, especially low flows will not be decreased significantly by the addition of a 1900 acre lake if Alternative C, the dredging project, is pursued as a flood control measure. The assurances include the DEIS authors pointing out that 2/3 of the Pearl River basin lies downstream of Jackson, the site of the dredging and lake

project. The assurances include an examination of evaporation from the new 1900 acre lake surface which is reported to be .047% of the total annual discharge of the River into Lake Borgne. Despite scoping comments from this organization (GRN) and others in 2013, the conclusions about evaporation were reported as total evaporation as a percentage of total annual discharge instead of monthly evaporation as a percentage of monthly discharge. Because the seasonal low flow months of June-October are the main concern for periods of critical low flow or for droughts, a thorough examination of low flow during these months should have been offered. Instead the DEIS writers presented the data on flow and evaporation in the light most favorable to the success of Alternative C, the lake dredging project.

This left an objective examination of low flow to those who read the DEIS and consequently had to re-examine the USGS data set *de novo* in order to provide a data analysis with which to contrast the DEIS writer's examination of low flow. For instance, the use of pre-Ross Barnett dam flow data is not relevant now because of the current impounded nature of the river. The critical factors for fresh water flow on the Pearl in the Jackson reach are the Ross Barnett Dam and the Savanna Street Sewage Treatment Plant because the operation of these two engineered features on the Pearl dictate the minimum flows necessary to be released through the Jackson reach of the river. Under the most recent active MDEQ NPDES permit for the Savanna Street sewage treatment plant, it is necessary that a minimum flow of 227 cubic feet per second (cfs), measured at the Jackson river gage be available for the plant's effluent mixing zone. It is necessary to examine how frequently the river goes below that minimum flow "floor". Discharges in the project area have fallen below 100 cfs repeatedly over the period of record. Figure 1.

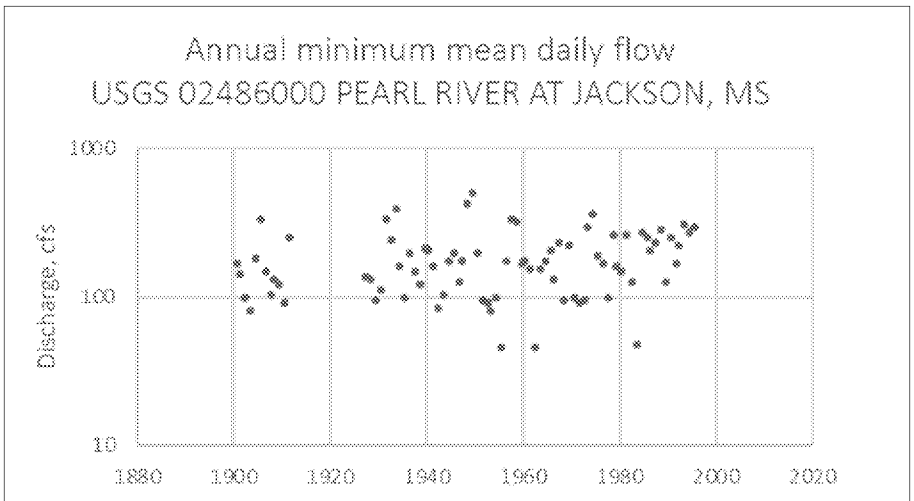

Figure 1 Annual minimum mean daily flow, Pearl River at Jackson.

Minimum annual mean daily discharges have fallen below 50 cfs three times since 1956, most recently in June 1984. Table 5-1 on p. 10 of Appendix C shows an average evaporation loss of 10 cfs in the month of June. No extreme value is given for evaporation loss. However, this raises the question of whether impacts of the proposed lake on environmental flow requirements

have been adequately addressed. Withdrawal of 10 cfs by evaporation would depress extreme low flows at the Jackson river gage below 40 cfs. Minimum mean daily flows by month, less predicted evaporative losses, indicate flows **will not** meet the 227 cfs required for Savanna Street POTW except during high-flow events in March. Mean daily discharge measurements at Jackson show many measurements that are lower than the 255 cfs required for Ross Barnett discharge and lower than the 227 cfs for Savannah St. treatment plant. Figure 2.

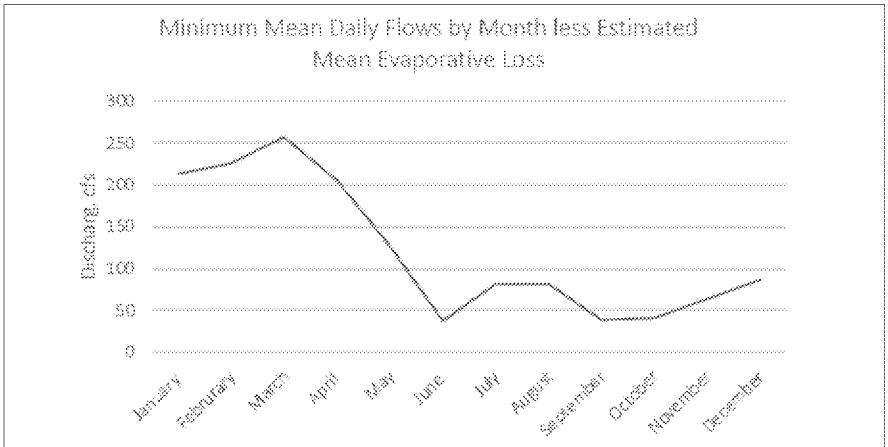

Figure 2 Historic minimum mean daily flows by month, Pearl River at Jackson less predicted average evaporative loss from Table 5-1, Appendix C.

Furthermore, flow would go even lower under more extreme (not average) evaporation, and under warmer air temperatures predicted due to climate change. In addition increased population in the vicinity of the project will create pressure for elevating the current Jackson water supply withdrawals from the proposed lake above the current level of 25 cfs (p. 7, Appendix C)
When daily flow observations after 1960 are examined, and using the 10th percentile flow value of 241 cfs, there were 665 occurrences below it (3.2% of daily discharge values). Examining the smaller flow value of 227 cfs, the presumptive 7Q10 value for the Savanna St. POTW's discharge permit, there were 1631 occurrences or 7.7% of daily discharge values below this minimum flow "floor" of 227 cfs. The 7.7 percent may not seem significant, but that percentage represents individual observations during the five driest months of the year – the low flow months of June-October.

The DEIS uses average monthly discharge at Jackson as a starting point before subtracting the evaporative losses shown in Table 5-1, pg. 10 of Appendix C. A better approximation of low flow conditions is the 10th percentile value.

Using the 10th percentile monthly flow values from 1938 to 2013, and subtracting the monthly evaporative losses calculated and displayed in DEIS Appendix C Table 5-1, Pearl River flows fall below the Savannah Street presumptive 7Q10 value (227cfs) during all five months, July- November.

It is not enough to use yearly averages when looking at low flow/critical flow information about a river like the Pearl. The DEIS writers chose to present evaporation using annual totals. This approach obscures the monthly variability in evaporation, and is no doubt employed to downplay effects or impacts that occur on a shorter temporal scale . Using daily observations is a more valid approach because seasonal or monthly variability is not as easy to deliberately obscure in order to make an argument for the lake alternative (Alternative C) as is attempted throughout the DEIS. Also state discharge permit reporting operates on much shorter time scales. When the effluent mixing zone at Savanna Street operates on a river flowing at less than 227 cfs, there is no monthly or annual averaging of the adverse impacts to the river. Fish kills and low D.O. events don't reveal themselves as monthly or annual averages, they happen immediately. Accordingly, an analysis of low flow should be based on daily observations or on numerical/statistical representations that more closely approximate the minimum flow "floors", or presumptive 7Q10 values, actually at stake and operative in permits. The 5th or 10th percentiles are more accurate placeholders that better translate the acute, exigent nature of low flow conditions on a river. The analysis of low flow on the Pearl River must be reworked accordingly.

f) Street flooding in Jackson is not relieved by a lake design

In Section 4.5.1 (Soils, Water Bodies and Prime and Unique Lands p. 163 lines 20-25) it is clear that a direct impact of the lake dredging design will be permanent or semi-permanent flooding of the lower reaches of tributary creek channels. These are the lower sections of urban creeks that now function as drainage canals for the City of Jackson. As described below in the DEIS, their lower reaches would be inundated by the lake footprint.

> An additional approximately 375.42 acres outside the channel improvement footprint would be impacted as a result of further inundation, including portions of Eubanks Creek, Hanging Moss Creek, Lynch Creek, Purple Creek, Three-mile Creek, Town Creek, Eastover Creek, Belhaven Creek and Conway Slough. These specific water bodies and numerous other existing water bodies will be incorporated into the footprint of the channel improvements. Additional direct impacts to water bodies would be anticipated by the filling activities within the dredge disposal areas. As a result, **moderate**, long term adverse impacts to the existing waterbodies would be anticipated as a result of the implementation of Alternative C.

Section 4.5.1 p. 163. Lines 20-25.

On Sunday August 12th, 2018 in the City of Jackson, Eubanks Creek flooded a number of houses in the Fondren Neighborhood of Jackson at the Hawthorn Drive Bridge. This is about 1.5 miles upstream from the mouth of Eubanks Creek at the Pearl River and this kind of street flooding would continue to happen whether or not Alternative C went forward with its proposed dredging and widening of the Pearl River. However, since the lower reaches of nine urban creeks would be inundated by the dredged lake's (channel improvements) footprint, the kind of street flooding that occurred on August 12th could be made worse if stormwater runoff in any of the nine creeks met a full channel and backed up, unable to move easily down to the Pearl. In other

words, transforming the lower sections of nine urban creeks into flooded coves or inlets of the lake project will not help street flooding from stormwater that would otherwise find its way to the Pearl in comparatively more empty creek channels. Having the lower sections of these creeks inundated by the lake footprint robs their capacity to conduct stormwater down to the Pearl as they are currently doing. This direct impact is long-term and is not moderate as it is described in the DEIS impact analysis, but major. A project such as this that creates more risk of flooding in an urbanized environment by reducing the capacity of a gravity drainage system is a long-term **major** adverse impact.

3. DEIS Lacks Scientific Integrity in Economic Data and Analysis

The limitations of the study area to two Counties led to the economic analysis including only Rankin and Hinds Counties, yet five Mississippi Counties and two Louisiana Parishes receive no mention in the Economic Analysis (EA). This shortcoming has its origins in the way WRDA 2007 Section 3104 defined the Study Area for this project.

A normal distribution has been assumed for variables that are non-normal data. Flood levels are functionally non-normal.

The EA states that the Pearl River drains and affects 23 Counties and two Parishes. Why does this study only conduct CBA for two Mississippi Counties? The downstream Counties and Parishes at least should have been covered in the analysis.

The CBA does not seem tailored to the Jackson, Ms. area. Much of the data comes from the Morganza-New Orleans study. If the Louisiana study is compatible then the Drainage District should state precisely why this is the case.

The discount rate being applied to this project is 2.75% which comes from public law (Section 80, P.L. 93-251) which in turn comes from the Treasury Department. This rate is calculated upon the average yield of Treasury bonds with 15+ years left to reach maturity. The Cost Benefit Analysis for this project is calculated over 50 years. There is no 50 year Treasury bond (the longest is 30 years) and there is no reason to take a 15-30 year average and extend it an additional 20-35 years. This is a duration mismatch. It is arbitrary and capricious to extend the 2.75% discount rate across the second half of the project's CBA. This artificially inflates its value. A low discount rate combined with a long project window has the overall effect of inflating the value of this project.

The economic analysis used a 50 year project life while the habitat HEP analysis used a 100 year project life, which raises another duration mismatch.

In the HEC-FDA model on page 5 and following, for each variable, the model developers assumed either a normal or triangular distribution (p.7), so where did the underlying values come from, and why did the modelers choose either a normal or triangular distribution for any given variable?

Is it at all realistic to assume that the 50-year record (p 11) provides a good model for the next 50 years? For example the two largest floods were in 1979 and 1983, 35 years ago. Were possible effects from climate change considered to any meaningful extent in the HEC-FDA model?

What was the logic behind extending a 200 foot buffer to the 1979 flood perimeter and not to the 1983 flood perimeter, (p.7)? Was this a very conservative choice, or an arbitrary choice to expand the study area?

Does the methodology used in establishing probability distributions induce an inflated benefits calculation? Major floods like the 1979 flood are likely to dominate damages and be fairly singular in nature, yet the CBA following the establishment of probability distributions extracts an expected annual damages (EAD) calculation that accrues yearly and predictably over the 50 year project period. Would more sophisticated procedures yield a different result? Does the chosen methodology inflate benefits?

Is it realistic to assume that the CSVRs conducted as part of a New Orleans – Morganza study are actually applicable to the Jackson area? What are the assumed socioeconomic characteristics that make the N.O. to Morganza data applicable to the Jackson area (p. 7)?

Mississippi is the poorest state in the country and there is no reason to believe that the average vehicle replacement value for the U.S. would reflect the average replacement of a vehicle in Mississippi. (p. 7) Vehicle loss calculations seem overly simplistic and unrealistic. In the Depth-Damage Relationships, is it true that similar construction and demographic characteristics make it easy to extrapolate the N.O. - Morganza date to Jackson, Ms.?

From Table B-16 one of the largest damage reduction benefits ($10,221,521,.06) comes from the new land use or location benefits created by the channel dredging option (Alternative C). Since intensification benefits accrue vastly more to Rankin County due to the amount of low land in the floodplain that cannot be developed unless it is filled, (p23) then **most of the difference in the benefits between alternative B (levees) $20,947,231 and alternative C (dredged lake) $39.873,563 come from building new land in Rankin County.** This isn't stated as such in the text, but reading the EA text and Table B-1, there is no escaping this conclusion. Take the $10.2 million of benefit of Rankin County land building from wetland filling away from Alternative C, and the levee project is much closer in benefit valuation to the TSP plan.

Since the EA makes no attempt to assign a value to the ecological services of forested wetlands and the functioning lotic river habitat, the economics discussion in the document cannot reduce the value of the incredibly destructive lake dredging/forest and bank dredging project by the loss of value from reduced ecosystem services. But this could certainly be accomplished. One publication used contingent valuation/willingness to pay techniques to estimate that habitat

services provided by wetlands were $30.24-71.17 per household.[6] Such a valuation in Jackson's Metro area of 500,000 would assign wetland value at between $15,120,000 and $35,585,000, surely enough to put the levee alternative' cost in line with the lake dredging alternative. The task here, in any case, is to investigate the negative cost of filling 1861 wetland acres, combined with the loss of 10 miles of lotic river habitat.

Significant adverse environmental impacts are identified but not considered in the decision process; not including costs of adverse impacts to wildlife and fisheries seriously underestimates the cost of the preferred project. Methods for quantifying them exist in the current literature, and have for decades. This includes costs from loss of habitat for Gulf sturgeon, Ringed sawback turtle, Northern Long Eared Bat, Wood Stork, costs from the degradation to water quality and wetlands.

The source of the land valuation change from $5000 per acre to $40,000 per acre is not referenced. Why is an eight fold increase predicted? Where does this come from?

Also the statement is made that the land uses "would not significantly reduce economic rent from other areas in the region" (p.26). On the contrary, this would seem to be the sort of proposal that would simply draw people from other areas/activities in the Jackson Metro Area. The creation of shopping districts at Dogwood Festival, Renaissance, The District at Eastover, Fondren etc., already seems to be pulling customers from one place to another in Jackson.

The decline of the retail shopping districts on both the Rankin and Hinds County sides of County Line Road seems a good place to begin looking for a comparable situation. Instead of creating a bigger pie, the Jackson Metro area seems to just slice the same limited pie in new ways. Is this project based on real growth in the Jackson Metro area or merely a re-allocation of existing businesses and customers to different locations? Before the Federal government and the State of Mississippi march together off this cliff of expensive investment of public money, it would make sense to study the Jackson market much harder and in a broader scope than the "Study Area" and the Economic Analysis of this DEIS contemplates.

The cost and necessity of pumping plants in Alternative B (levees) need more investigation especially since the Mississippi Legislature's 2010 PEER Report, and the Corps 1996 levee plan did not seem to consider pumping plants were justified. Why are they necessary here? The study must justify and better explain their inclusion in Alternative B. What changed so drastically between 2010 and 2013 when the scoping for this study began?

The cost side of the economic analysis lacks consideration of ecological changes, effects that may be felt downriver, or a serious discussion of reallocation of rents. There needs to be a holistic consideration of costs. The costs from closing landfills, moving utilities and bridges, loss of carbon sequestration, loss of wetland function, loss of habitat for birds, mammals, and fish, loss of trophic connections, possible loss of permit dilution potential downstream and the costs

[6] Shrestha, R.K., and Alavalpati, J.R. Valuing Environmental Benefits of Silvopasture Practices: A Case Study of the Lake Okeechobee Watershed in Florida. Ecol. Econ. 49 (2004) 349-359.

of changing (elevated) water temperature in the Pearl River all need to be investigated in the economic analysis. The conditioning of the removal/remediation of the hazardous waste problems on the selection of the TSP over levees is a false choice. These legacy pollution problems can be addressed whether or not Alternative "C" is chosen.

No uncertainty analysis is included in the EA. The DEIS on page 236 states: " Risk and uncertainty will be further considered during the feasibility level design and analysis" It is common practice that uncertainty analyses be a part of the decision-making process; not providing such analyses can lead to regrettable decisions.

4. DEIS describes baseline conditions with scant data

The baseline conditions on the Pearl River in the Study Area are not described by an abundance of data. The 2015 TMDL published by the Mississippi Department of Environmental Quality was based on sampling in previous summers by Tetra Tech and EPA, and the Drainage District hired FTN Associates to sample for a total of ten days in 2014 to characterize and model water quality on this urban reach of the Pearl. Apparently other than the river gage at Hwy, 80, the Mississippi DEQ does not regularly monitor water quality sampling stations on the Pearl River.

Oxygen supersaturation exists on the Pearl as described in the recent Nutrient TMDL (MDEQ 2015) in part because the Reservoir and river below it are both eutrophic. The TMDL describes them as eutrophic (over-fertilized by organic and inorganic sources). Although oxygen supersaturation is generally associated with degraded fresh water systems like intensive aquaculture ponds, the DEIS writers treat it as a beneficial feature of the urban section of the Pearl River, at least with respect to levels of dissolved oxygen (D.O.). The condition of oxygen supersaturation is not usually considered a beneficial or healthy situation in an open system like a pond, lake, or river. This is especially true when excessive amounts of nutrients are found in the waterbody. The DEIS uses the following language to describe the situation which: "Low D.O. is not anticipated to be an issue within the Study Area or downstream after implementation of Alternative C because the Jackson segment of the Pearl River tends to have supersaturated DO levels, as discussed in the 2015 Nutrient TMDL for the Jackson segment of the Pearl River." App. D. p. 63.

Supersaturation usually is accompanied by elevated pH levels, elevated chlorophyll levels and strong diurnal cycling between supersaturation and depletion – high peaks and dangerously low DO sags at night. For instance, Delta catfish aquaculture ponds typically have dissolved oxygen readings >12 ppm at the end of long sunny days, yet during the night the dissolved oxygen drops so low (below 3 ppm) that mechanical aeration must be started to avoid fish kills. Mentioning supersaturation as a benefit of Alternative C is wishful thinking and is irresponsible. Alternative C will slow the Pearl River's flow, and its weir set at 258 feet above sea level will impound more nutrient rich stormwater from Jackson's urban creeks carrying nonpoint source runoff, dissolved fertilizers, and untreated sewage from the continuing street manhole cover spills from sewers that occur in Jackson during heavy rains. In an already eutrophic waterbody, longer residence time and added heat to the water surface will drive the

1900 acre lake into worsening water quality. Supersaturation, as part of this deterioration will not be a benefit or a stabilizing influence for the level of dissolved oxygen in the Pearl River. On the contrary, routine mechanical aeration to avoid water quality deterioration may be necessary in the warmer months of the year. The baseline of water quality in the Pearl River is a eutrophic condition, and the alterations to the river offered by Alternative "C" cannot improve this.

5. The DEIS fails to adequately evaluate or characterize impacts to Wetlands

The impact to wetlands from the levee project Alternative B, is 386 acres of direct impacts. The impact to wetlands from the TSP project (Alternative C) to dredge the river bed and banks and further impound the Pearl River is at least 1861.24 acres of wetlands and other waters of the United States (p. 205 DEIS) or possibly as much as 1994.49 acres of jurisdictional wetlands present on the property (Appendix D p. 10 of Wetlands Delineation report). Compared to Alternative B (levees), the lake dredging project would impact 4.8 times the amount of wetlands in the 10 mile project area – and convert to open water nearly three square miles of forested bottomland wetland that exist in the middle of Jackson, Ms. within the river's present floodway.

Section 2.5.8.2 of the DEIS states that "The historic predominant bottomland hardwood habitats and the associated jurisdictional wetlands and other waters of the United States within the project area may continue to decline as a result of ongoing urbanization, siltation, and changing river conditions." And the section ends with this statement, "Restoration efforts would have to be implemented to replace the historic habitats and historic conditions on the Pearl River." The discussion of wetland impacts in this section of the DEIS goes on to describe the destruction through dredging and submersion of these wetlands, but offers nothing about restoration.

The August 16th US Fish and Wildlife Service comments to Michael Goff about this project characterize the dredging and channel improvement project as the "most environmental damaging plan". As was indicated earlier in this comment letter, after project scoping, and between 2013 and 2018 the local sponsors dropped one alternative involving channel modification work without the massive dredging, wetland destruction or further impounding of the river. As a reason for eliminating this alternative the DEIS cited conflicts with the MDOT mitigation bank lands upstream of Hwy 25. What were these conflicts? The narrowing of action alternatives to levees or the channel improvement/dredging project seem to have forced a decision to choose the most environmentally destructive alternative on the basis of cost and the ability to fill and develop land that is currently undevelopable (mostly in Rankin County) because it is too low and flood prone.

The direct impacts of Alternative C cause a conversion of 1861 acres of wetlands to open water, which is a complete change of function for a terrestrial habitat type. These impacts which are described as long-term in duration and major in intensity, are being promoted as the TSP now and were contemplated as part of the locally preferred plan five years ago when the Drainage District voted at the beginning of Project Scoping to choose dredging and lake construction . Some avoidance and minimization was said to have been conducted to keep the filling of

wetlands at 1861 acres. What avoidance and minimization could have been put in practice to reduce a major, long-term impact to a moderate or minor intensity impact? Could the eliminated alternative for channel modification have been retained and examined further? Could some kind of hybrid alternative such as described by the USFWS on page 11 of their August 16th letter to Mike Goff be put forward: setting levees back in Rankin County to open the floodplain available to the river and restricting dredging and digging only to areas along the Pearl River near interstate 20 that have already been disturbed in earlier projects, and retaining the free flowing nature of the Pearl River by refraining from building further weirs or impoundments?
The indirect impacts of Alternative "C" are described as follows: "… no specific significant indirect adverse impacts to wetlands or other waters of the United States would be anticipated by the implementation of this project" (DEIS p. 206) The following are the significant adverse impacts of the loss of nearly 1861 acres (2.9 square miles) of forested or vegetated wetlands: Losses of stormwater uptake, carbon sequestration, influence on the local climate, contributions to good air quality, noise buffering, mammal and migratory bird habitat, recreation, moderation and sequestering of pollutants in floodwaters, contribution of shallow groundwater to the river, threats to the trophic health of the river and the local and downstream ecosystem. Further, these impacts are not minor in intensity (as the DEIS describes them) but major in intensity. The removal of nearly 2000 acres of terrestrial wetland habitat and replacement with open water is not a minor impact. In comments above on the Economics Appendix, it was pointed out that no costs were developed or discussed for the loss of ecological services due to removal of forested wetlands. All benefits should be summarized and given a monetary value so the loss of these ecosystem services can be entered into the economic cost benefit calculations. Long-term major impacts to such a large amount of forested wetland habitat are not "environmentally acceptable" and violate the authorizing language for this project in WRDA 2007 Section 3104.

6. The DEIS fails to adequately evaluate impacts to species listed under the Federal Endangered Species Act.

There are two species that the DEIS concentrates most of its Endangered Species Act (ESA) analysis upon: Gulf sturgeon and Ringed sawback turtle. Other species that are considered by the DEIS analysis are Northern long-eared bat, Wood Stork, Bald Eagle, Louisiana Black Bear, Pearl Darter and Frecklebelly Madtom.

The information about the distribution and abundance of the Gulf sturgeon is incomplete. No actual survey work was conducted to determine how often these migratory fish are found in the project area, and so much conjecture and anecdote is relied upon by the DEIS writers. Much is made of the presence of sills and blockages downstream that would tend to prevent fish migration: The most recent documented occurrence of the fish in the project area, cited by the DEIS writers, is from 1984. Louisiana Department of Wildlife and Fisheries biologists have used telemetry studies to document fish passage upstream of the Pearl and Bogue Chitto sills over the past 4 years. The LDWF reports this in their comments on this project. There is a report

of a capture of a juvenile (less than 24 inches long) Gulf sturgeon caught on a plastic worm by a fisherman in the project area in early fall of 2008.[7]

On August 16th 2018 after a Community Forum on the One Lake project given by Gulf Restoration Network and other members of the One River No Lake Coalition for Martha Watts, mayor of Monticello, a fisherman (who asked to keep his identity information confidential) showed the Gulf Restoration Network a photograph of a pair of adult Gulf sturgeon in the bottom of his boat prior to his releasing them from his net. He captured them in May of 2018 in his catfish hoop nets set in the Pearl River near the mouth of the Strong River. He further stated that he has caught sturgeon in his catfish nets in recent years, often in pairs within the same net. This fisherman confirmed that the sturgeon are passing the sills on the Lower Pearl River and any other downriver blockages and are migrating into the upper river. If the sturgeon can reach the mouth of the Strong River, they can reach Jackson and under the right circumstances go over the water-works low head dam.

In addition, the McComb Enterprise Journal Newspaper ran a story on July 31st 2005 about a July 14th 2005 capture of a 7 foot Gulf sturgeon in Pike County, well above and upstream of the Bogue Chitto sills on that river. A group of canoers corralled the fish into a shallow pool, and picked it up out of the water for a photograph, which was included in the newspaper story along with an interview.

For the purposes of the DEIS, the old anecdotal evidence of sturgeon occurrences on the Pearl River could have been updated with more current anecdotal evidence of the type above. The fisheries biologists who have done field collection work with the Gulf sturgeon species on the Pearl River are all easy to find and could have been contacted for the purposes of updating

[7] MDWFP Museum Ichthyologist Dr. W.T. Slack phone call with fisherman John Black. Transcript of call in Reference list attached to comment letter.

sturgeon occurrence information, or actual field surveys for sturgeon could have been initiated over the last 5 years.

In addition to not looking very hard for reports of the Gulf sturgeon reaching the river above the sills, in general the DEIS writers go to great lengths to discount the usefulness of the river to Gulf sturgeon. On page 199 of the DEIS, the writer states: "… due to past dredging projects of the USACE and state government subdivisions, the existing conditions within much of the river channel through the Project Area would not be considered as preferred habitat by either listed species (sturgeon or Ringed sawback turtle)" The statement is made that the sturgeon "utilizes a riverine environment as their spawning habitat" then the DEIS goes on to provide that "Alternative C includes channel improvements that would alter the existing riverine environment" and further provides that moving the weir downstream would: "provide a riverine environment that the sturgeon could utilize if the historic upstream migration patterns were to resume." The historic upstream migration patterns **never ceased**, as evidenced by information in the possession of the wildlife agencies of both states.

The DEIS writers with regard to the sturgeon go to great pains to question and discount the importance of the Pearl's designated critical habitat to the fish in the Project Area, and to cast doubt on whether the species even still reaches this section of the river. If the same amount of energy had been spent interviewing fisheries professionals in Louisiana and Mississippi about their knowledge of the fish, this DEIS would have been a stronger, more trustworthy document. The Army Corps of Engineers should require the Drainage District to update all of the sturgeon data on the Pearl River upstream of the sills and force them, and perhaps assist them, in writing an objective, scientifically acceptable accounting. With their **low level of actual knowledge or information** about the fish, it is impossible to make the assumption, as they do, that : "…no overall habitat loss would be incurred with the proposed project construction; therefore direct adverse impacts to the Gulf sturgeon habitat within the Project Area would be considered **minor** in intensity and long-term in duration." The description "Minor" is pure conjecture, given the actual state of knowledge displayed about the Gulf sturgeon.

What is missing from the DEIS in its discussion of the impact of the Alternative C project on the Gulf sturgeon and its habitat is any sincere commitment to restoration for the fish, and in the discussion of mitigation for Alternative C, the removal of both blocking sills below Bogalusa on both the Pearl River and the Bogue Chitto River should be contemplated, and a budget for both sill removals should be made part of whatever other mitigation is contemplated by the sponsors for the massively destructive TSP.

The Ringed Sawback turtle and the Pearl River map turtle are two endemic species that inhabit the 10 mile section of the project area. One, the Ringed Sawback has protected status under the Endangered Species Act (ESA) as a threatened species, and the other- Pearl River map turtle was confirmed as a separate species a decade ago through DNA analysis of systematics and is a candidate for protected status under the ESA.

As stated in the Appendix D Biological Assessment, "Decline in populations of the Ringed Sawback turtle in certain areas of the Pearl River have been attributed to habitat

modifications, primarily associated with dredging..." It is a fact that the habitat requirements of this species will be lost to a great degree in a widened, dredged river channel devoid of basking logs or basking areas. Without sandbars in which to dig nests, the turtle will stop breeding in this 10 mile section of the river.

As with the Gulf sturgeon, the writers of the habitat analysis sections for impacts from Alternative C, despite being professional biologists, do what they can to discount the science that does exist describing the extent of use of this river section by the Ringed Sawback turtle. The Drainage District did not supply funds for the most recent turtle population surveys (they were funded by MDWFP and USFWS), yet they use the surveys and further question the methods of the surveys:

> ...the actual observation data was interpolated with estimates of 1033 to 1895 individuals within the TSP Project Area (Selman and Smith 2017). However it is important to note that the actual number of turtles present within the Project Area and based upon these surveys is significantly speculative based upon the methods employed to determine the estimates.

The methods were questioned, but no explanation of why these were speculative methods is presented by the DEIS writers. No discussion of experimental error rate is offered. What the DEIS writers did not bother to include from the Selman and Smith study was that significant numbers of juveniles were counted by surveyors, which showed reproduction is happening in the affected section of the river, and that due to the difficulty of seeing small turtles with binoculars and spotting scopes that the actual number of juveniles was probably **underestimated** by the survey team. So the 1033-1895 range of individuals was likely low. As with the attempts to downplay sturgeon numbers, the DEIS writers made the point of finding fault with recent (2017) turtles survey number estimates of individuals. The DEIS writers should be thankful they have some current information to use in writing the section on Ringed Sawback turtles in their analysis. They saw no reason to look past 1984 for sturgeon captures, but also spent no resources on new fish surveys. The turtle survey situation would have been similar but for the existence of good recent active field work in the Pearl River.

Building islands in the middle of the newly dredged lake for use as turtle habitat will be a recurring expense for the Drainage District, if, as they revealed in several of their public meeting presentations, the water levels during floods can be expected to be 10-15 feet higher than the 258' lake elevation above sea level. How unarmored sandbar islands will hold their positions in a channel during high (submerging) flows is a question that goes undiscussed in any section of the DEIS on habitat. It may be a bit like the effort on the Mississippi Coast to rebuild barrier islands after successive hurricanes wash them away. Ringed sawback turtles are not found in lentic waters of the Ross Barnett Reservoir that lack their habitat requirements, and so the turtle's utilization of any created habitats in a newly dredged lentic reach of the Pearl River is in doubt. The statement is made that for the Northern long – eared bat, roosting areas will still be available after the massive removal of forests along the banks of the Pearl under Alternative C, but no surveys have been performed to see if the bats are roosting in the existing trees. Since nearly 2000 acres of forested wetlands many acres of which are mature hardwoods between 50 and 80

years old, surveys for bats need to be undertaken to see the extent of use of these forests before they are removed and replaced with urbanized lakefront areas.

Wood storks should likewise be investigated further. Consulting the long running records kept by the Jackson Audubon group of their First Saturday bird-walks in Lefleur's Bluff State Park may help determine whether and how often these birds are seen along the Pearl River in Jackson. They are found 60 miles west along the Mississippi River in Vicksburg late each summer.

The Frecklebelly madtom was apparently dropped from consideration for further investigation in the Threatened and Endangered species section of the DEIS because DEIS writers stated it was not found in the main stem of the Pearl River. That has changed - this summer, surveys by Matt Wagner of the Mississippi Museum of Natural Science have found this miniature catfish in the main channel of the Pearl River in more than one sampling location. Surveys for this candidate species for the ESA should be initiated, or the survey data from Wagner in 2018 should be digested and presented, including an analysis of the importance of these fish in the trophic scheme of this large river. What do they eat, and what feeds upon them? These subjects should all be included in an updated version of the DEIS before finalization.

7. The DEIS fails to adequately evaluate impacts to Fisheries

The fish habitat in the Project Area is examined as part of a Habitat Evaluation Procedure (HEP) Report. While the HEP methodology is standard procedure for federal water projects it is a mechanically applied analysis of before/after habitat values (as indexes of suitability). There is a limited suite of animals for which HEP information is available and choosing the right animals or fish at the beginning of the analysis has much to say about what the HEP analysis reveals through its before/after look at a project like this one. For the fish species that it examined, it should be noted that many were lake species, or generalist species of sunfish: bass, black and white crappie, bluegill or channel catfish (which is not a river specialist either). There are fish family groups containing species that are river dependent that are present in the Pearl River, such as suckers, buffalo fishes, darters, shiners. These groups would have shown decline over time as a lotic environment transforms into a more lentic environment. For instance in the terrestrial animal habitat analysis, barred owls need mature trees, and swamp rabbits need wetland forest. Vast declines were shown for habitat suitability for these two species because the trees disappear if the banks are dredged to widen the river into a larger channel with lake characteristics. If habitat suitability indices existed for Catostomids (suckers) or the Cyprinids (shiners) that are river dependent, the more lake-like shift of river habitat would have been better captured by using them in a HEP analysis. HEP tables don't have every animal or fish found in the Southeastern U.S., so some substitution is done using professional judgement. Using common carp as a stand-in for river dependent species may have been the best the modelers could do, but the carp is more of a generalist than a river specialist. It is introduced from Europe and is a naturalized non-native exotic fish. HEP, if it could have used more river dependent fishes in its analysis would have captured more of the habitat impacts from the near total loss of riverine characteristics in Alternative "C".

The fish surveys in the river, done by ERDC staff in 2006 offers a much better representation of the fish fauna of the 10 mile section of the Pearl River in the Study Area/Project Area. Obligate river species such as those species mentioned above have their habitat suitability index drop from 577 to 188 with the construction of a lake, and the ERDC report predicts they will become rare or extirpated in the lake-like reach of the river. Some methods are suggested to improve the survival of river dependent fish species. Mitigation includes reconnecting secondary channels, reconnecting backwaters, protection of creation of gravel bars/bottoms, and construction of in-lake weirs to vary flow. The trade-off of habitat for river dependent species for more acres that suit wetland/backwater guilds of species that do well in lakes is not seen as positive. It just creates more restoration needs on an already impaired, impacted river.

8. The DEIS fails to properly evaluate Impacts to Birds and Waterfowl

The HEP analysis is an awkward tool for bird habitat analysis as well. Picking the right species at the beginning has much to account for the value of the information produced, and if the HEP library of species don't have the most relevant species to use for a habitat, then the writers pick close ones that serve as stand-ins or placeholders. Some of the bird habitat loss is well characterized due to the choice of appropriate species. Barred owls do well in riparian swamps, and on any given day along the Pearl River barred owls can be heard calling near dusk. The Barred owl habitat goes away when riverside and swamp forests are removed so that the banks can be dredged. It is an excellent model species for total forest loss. The use of the wood duck in the HEP analysis is not as precise a fit. There are large wood duck roosts along the Pearl now, including active roosting and breeding areas in LeFleur's Bluff State Park. These ducks are doing well in the wooded riparian area along the Pearl. Transformation to open water and a loss of mature timber for roosting, and the loss of cavities in older trees for nest building would not seem to help the wood duck as much as the HEP analysis states. An index of +409.86 for the wood duck needs better explanation. The sloughs, oxbows and riverside forests that the birds use will be cut down and dredged. How this helps the wood duck habitat is a puzzle. The wood duck should be nearly as affected by the loss of timber in riparian and wetland areas as the barred owl. One only has to survey the more developed areas of the Ross Barnett Reservoir to find that wood ducks are not seen often on manicured, urbanized lakefronts.

The loss of habitat value of nearly three square miles of (filled) wetlands 1861 acres, or loss of 2500 total acres of vegetated and bottomland hardwood forest areas to neo-tropical migratory birds needs to be quantified. The HEP analysis doesn't help very much with the neo-tropical migrants in general. And the species accounts for wood stork and bald eagle in the protected species accounts don't really go very far in showing the full value of mature hardwoods in riparian and backwater wetlands along a major migration corridor, which the Pearl River certainly is. Two signature species on the Pearl are the Prothonotary warbler which nests in backwater slough and along lakes in cavities over water, and the Swallow-tail kite (State species of special concern) which needs to forage over vast areas of forest. The kites inhabit the lower Pearl, while the Prothonotary warblers inhabit the narrower riparian corridor of the upper river including backwater oxbows, old channels and sloughs. Other warbler species in the woods along the Pearl include Northern parula, Red-eye vireo, White-eye vireo, Swainson's warbler;

and in marshes and swamps there are wading and marsh birds such as Reddish egret and Clapper rail and others.

Important Bird Areas (IBAs) exist along the Pearl River in the Study Area and farther downstream. These are high quality bird habitat areas named by the National Audubon Society that meet an internationally agreed-to set of criteria. IBA's are globally important for the conservation of bird populations. The Prothonotary warblers that nest along the Pearl in swamp backwaters and feed their young with the abundant insects they gather on their foraging trips are offering high calorie diets to their young and storing calories themselves, in part, so they can all be sustained on their flights down the river to the coast and across the Gulf of Mexico to the Yucatan and farther on to South America. An IBA such as LeFleur's Bluff State Park in Jackson or the Hancock County Marsh Preserve at the Pearl's mouth is a bird's grocery store that it uses to eat and store enough nutrition to make its annual international migrations. It is disturbing to note that the most recent maps of the One Lake project's dredging footprint include 20-30 acres of the IBA in LeFleur's Bluff State Park at its southeast corner between the park road and the banks of the Pearl River – an area of varied habitats, high bluffs, massive Red oaks, old channel scars and temporary pools – all offering well-used migratory bird habitat. Over 200 bird species are included in the birdwatching checklist for Lefleur's Bluff, and 70 species breed there. The economic analysis needs to put a bird habitat loss price tag on this section of IBA in the state park.

9. The DEIS fails to recognize the presence Prime and Unique lands

The section on Prime and Unique lands does not offer a definition of what qualifies a property as "Prime and Unique". It should be noted that a well-used state park, LeFleur's Bluff State Park, (formerly Jackson's Riverside Park) and the Mayes Lake Picnic and Camping Area that form the lowland park property make a complex of 490 acres of deed-protected publicly owned land in the middle of the capitol city. This should qualify the State Park as Prime and Unique. And the proposed removal by dredging of 20-30 acres of the southeast corner of the Park along the Pearl River should be treated differently than other dredging for Alternative "C" due to the fact that this is a public park. Another unique piece of land is the Fannye Cook Natural Area on the Rankin County side of the Pearl River upstream of the Lakeland Drive Bridge over the Pearl. This piece of land is a mitigation bank used by the Mississippi Department of Transportation and managed for conservation and public use by Wildlife Mississippi, a non-profit conservation organization that functions as a state-wide land trust. The DEIS writers need to provide a definition of Prime and Unique lands and/or justify their decision that no such lands exist in the Project Area or Study Area.

10. The DEIS fails to evaluate Key Information on Climate Change

There was one place in the DEIS that discussed climate change on page 109 in lines 11-13: In determining which flood events to examine, the following statement is made:

> While changes to the climate were considered, the current USACE policy (Engineering and Construction Bulletin 2016-2025) states that "projections of

> climate change and their associated impacts to local scale hydrology that may occur in the future can be highly uncertain" Therefore, flood events of large magnitude such as the annual 0.2% chance exceedance event, were used for analysis but no quantitative adjustments to the flood magnitudes were made.

This language gives the DEIS writers some leeway, but the DEIS writers are likely citing it to discount the importance of climate change. Nowhere in the discussions of minimum flow or evaporation, in the Engineering Appendix C discussion, was climate change introduced. The fish habitat discussion of the DEIS lacks any meaningful climate change discussion except to point out that the levee plan will make the water warmer. It seems that the DEIS writers believe this new water project will exist in a stable world without climate change. It is interesting that on the other side of the state, along the Pascagoula River, the recent proposed damming of Big and Little Cedar Creeks in Lower Pascagoula River drainage (George County Lakes Project) is being pitched as a solution to water supply deficits in the coming years primarily **due to climate change**. The company AECOM along with Pickering Engineering are writing a draft EIS and other studies for this project. When the "George County Lakes"EIS was in the project scoping stage in early 2016, much of their justification for their project was based on climate modeling done by Dr. Jonathan Pote and contractors from the Mississippi Water Resources Research Institute.

This Pearl River project needs to consider climate change, especially within the analysis of Alternative C. The temperature assumptions (as discussed above in this comment letter) made about the effect upon aquatic habitat didn't seem to include hotter water temperatures. The flow and evaporation analysis in Engineering Appendix C did not factor in hotter air or water temperatures in the future.

It would seem that dam building project promoters on the Pearl River might be reading what the other dam building project promoters on the Pascagoula River are writing, and vice versa. Increasing river water temperature as climate becomes hotter is predictable and reasonably foreseeable.

The DEIS does not account for effects of climate change over the life of the project. Projections for the Pearl River watershed (Jayakody et al. 2014[8]) indicate sediment yield will increase 26%, and monthly maximum air temperatures will increase 2 to 3° C in years ahead, during the life of the proposed project. Similar findings regarding air temperature increases have been published for the Mississippi Delta (Parajuli et al. 2016[9], Yasarer et al. 2017[10]). These shifts

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[8] Jayakody, P. Parajuli, P.B. and Cathcart, T.P. 2014. Impacts of climate variability on water quality with best management practices in sub-tropical climate of U.S.A. Hydrological Processes, 28(23), 5776-5790.

[9] Parajuli, P.B., Jayakody, P., Sassenrath, G.F., and Ouyang, Y. 2016. Assessing the impacts of climate change and tillage practices on stream flow, crop and sediment yields from the Mississippi River Basin. Agriculture Water Management, 168,112-124.

[10] Yasarer, L.M., Bingner, R.L., Garbrecht, J.D., Locke, M.A., Lizotte R.E., Momm, H.G., and Busteed P.R, 2017. Climate change impacts on runoff, sediment, and nutrient loads in an

will impact sedimentation in the proposed lake and water quality within the project area and downstream. Furthermore, impacts of warmer climate and changing precipitation patterns should be considered when assessing impacts of lake evaporation on water quantity.

11. The DEIS fails to evaluate Cumulative Impacts

The cumulative impacts analyses are conducted in a way that isolates the sources of impact from one another to a large degree. Environmental and physical factors work together in living systems and it is the interaction of impacts that need to be described together in large open systems like rivers. From the very beginning of the lake-building project's conception and during project scoping, critics of the lake dredging have always asked the sponsors to examine the additive physical (discharge, evaporation, temperature, slope, sediment, bank integrity, etc.) and biological (loss of riparian tree canopy, nutrient inputs, changing habitat for fish, birds, mammals, invertebrates etc.) impacts to the Pearl with a particular concentration on downstream freshwater, and estuarine habitats. The DEIS writers did not do this to our satisfaction and did not discuss climate change, increased populations because of this lake development project in Jackson, and the associated effects on water consumption for household or industrial applications. There is no sense of what the water budget is for the present water users along the Pearl River: the withdrawals and additions from top to bottom of the system. The discussions within the DEIS also lack a holistic view of the impaired and altered condition of the river as it presently exists.

At the very least, a modeling of this regulated river should be performed with an appropriate type of software such as the OASIS model (by Hydrologics Inc.) that is chosen by the USGS for one of its Gulf Wide flow projects funded by RESTORE Act BP funds. Accordingly, project 5815[11] has been submitted to the MDEQ RESTORE.MS project portal to add the Pearl River to the ongoing USGS Gulf-wide flow study.

12. The Mitigation Plan in the DEIS Fails the Corps Guidance Memo Requirements

Section 2036(a) of WRDA 2007 amends section 906 (d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283 (d) to:

a. ensure that any report, submitted to Congress for authorization , shall not select a project alternative unless such report contains (1) a specific recommendation with a specific plan to mitigate fish and wildlife losses or (2) the Secretary determines that the project will have negligible adverse impacts;
b. ensure that other habitat types are mitigated to not less than in-kind condition, to the extent possible;

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agricultural watershed in the lower Mississippi River basin. Applied Engineering in Agriculture, 33(3) 379.

[11] Project 5815(2018) RESTORE Gulf-wide stream flow study Mississippi Component. MDEQ Restoration portal RESTORE.MS.

c. require mitigation plans comply with the mitigation standards and policies of the regulatory programs administered by the Secretary and require specific mitigation plan components, including 1) monitoring, 2) criteria for determining ecological success, 3) a description of available lands for mitigation and the basis for the determination of availability, 4) the development of contingency plans,(i.e. adaptive management), 5) identification of the entity responsible for monitoring; 6) establish a consultation process with appropriate Federal and State agencies in determining the success of mitigation.

The DEIS must recommend a specific plan under (a) above. This document offers vague mitigation alternatives but does not contain a specific plan. Appendix D: Habitat Evaluation Procedure Report, page 27 delineates 3 different Management Plan scenarios: 1) **Acquisition**: acquiring existing forestland which can be somewhat related to preservation of existing habitats (estimates 17,190 acres of existing forestland purchased), 2) **Restorative**: every existing habitat type within the project area would be restored at some other location in the Pearl River Basin ("would include the restoration of existing agricultural land through conversion to forestland"..."a total of approximately 9,076 acres of restoration of existing agricultural lands") and, 3) **Regenerative**: only predominant bottomland hardwood forestland would be replaced (5,850 acres of reforestation of existing agricultural lands). The project proponents should reveal which Management Plan scenario has been chosen and provide detailed plans for proposed mitigation area locations and designs. At this point, with a detailed wetland inventory the Drainage District knows exactly what they will destroy in creating the lake through dredging and channel modification. What has been presented is not a specific plan, but a choice among three not very specific plans. The description of available lands (3) is left vague as "3000 acres owned by the City of Jackson", and the development of contingency plans (4) is left quite open ended. The DEIS, as it reads so far, does not cover what the Corps requires in the WRDA 2007 Section 2036 (a) amendments listed above.

Whether the plans set out in the DEIS mitigate fish and wildlife and wetland losses well enough to satisfy (a) above is an open question at this point. The main methods offered cover terrestrial habitats lost by removing riparian forest along the Pearl River through dredging the river to a wider, straighter, and uniformly deeper channel condition. Under the HEP procedures, and as explained on pages 34-35 of the Habitat Evaluation Procedures Report of Appendix D, aquatic habitat units are increased through the number of acres of open water created, while the quality and suitability of habitat for river dependent species decreases (habitat suitability index falls). The writers of the DEIS seem content to accept this trade-off for fish habitat quality. The sponsors should have included some of the habitat quality measures recommended by the Kilgore study that they included in their habitat section: reconnection of the river with side channels, backwater habitats, and the creation of in-channel weirs so that water velocity can be increased in certain areas, also the establishment of gravel beds where there are not presently any. These measures were pointed out in comments by both the USFWS and the Louisiana Wildlife and Fisheries Department.

Sturgeon habitat losses will be compensated by the construction of a fish passage at the project area, but no habitat improvement projects are planned downstream. This project sets Gulf

sturgeon habitat recovery back, no matter if a fish passage is built or not because the dredging will change water quality and the character of the river bottom, rendering it useless as spawning habitat for these migratory fish. To mitigate this damage to ten miles of Gulf sturgeon habitat, we suggest that the project sponsors should be required to fully fund the removal of the Bogue Chitto Sill, the Pearl River Sill, and to provide funds for remediation of the Pearl River Navigational Canal Project.

Ringed sawback turtle mitigation is left vague as well and characterized as adaptive management, monitoring and possibly the building of islands with sandbars in the final lake project. There is not a specific plan to mitigate the losses of habitat or impacts to the turtle population. This doesn't satisfy section (a) above either.

The USFWS examined the DEIS and their comments suggested that: " More detailed mitigation needs and measures to offset losses to fish and wildlife resources should be determined and presented in the EIS. The USFWS provided examples:

1. Follow the no net loss of in-kind habitat value. (See (b) above for similar language in Corps guidance). Implement design modifications to enhance turbulence and water quality, solve temperature and D.O. problems, help flowing water species in the pool, tailwaters and downstream. This means installing mechanical pumps, diffusers, or air lifts to combat stratification in the dredged lake.
2. Manipulating water levels in the main pool. The lack of on operational plan/schedule was pointed out.
3. Generally more detailed mitigation for riverine impacts are needed. The DEIS was willing to discount the value of riverine habitat as evidenced by the HEP generated trade-off of river habitat for lacustrine habitat, but the Fish and Wildlife Service is not accepting this swap, and the Corps of Engineers should not either.

How the Drainage District can satisfy these mitigation needs is a large question. They are intended to undo the damage that the channel modification project inflicts. It seems to make much more sense to avoid the damage in the first place. It is better to "keep a river as a river" than turn it into a lake and then be forced to invent engineering "fixes" to offset or undo the damage or address the problems inherent in lake creation. "Damming up the river to figure out how it flows"[12] is a regressive approach, especially if mitigation is expensive, difficult and long term, which it will be.

13. The DEIS Fails to Evaluate Impacts to Ecosystem Services.

The DEIS fails to provide any assessment of the ecosystem services that will be lost as a result of the preferred alternative (TSP). Ecosystem services valuations are well recognized as providing important information for decision makers. Understanding the impacts to these services is critical for assessing the full extent of project impacts. The importance of the ecosystem services valuation is made clear in the 2013 Principles and Requirements for Federal

[12] "River of Brightness", Roddy Frame, The North Star (Album) 1998.

Investments in Water Resources and Interagency Guidelines. (Collectively, the PR&G) While Gulf Restoration Network recognizes that the Corps is not yet utilizing the PR&G, the sponsors should nevertheless evaluate the impacts on ecosystem services.

14. The Sponsors must comply with the conclusion of the USFWS comments and present a revised Draft EIS and initiate a new comment period.

In the August 16th letter to Michael Goff from Field Supervisor Joseph Ranson, it was the recommendation of the USFWS that: "Overall, greater details regarding plan formulation, design, operation, mitigation, and adaptive management should be presented in **another draft** of the EIS prior to finalizing." This current DEIS is not in a condition ready for any decision by the Army Assistant Secretary for Civil Works, or any other decision making body with jurisdiction in the NEPA process.

The August 16th Ranson comment letter also named this Alternative C dredging and channel modification project as the **"most environmental damaging plan."**

As GRN stated at the beginning of this comment letter, the Drainage District, in Section 3104 of WRDA 2006, was charged with creating an alternative that was "technically feasible and environmentally acceptable". **This project's Alternative C, for the reasons listed above and throughout this letter is not environmentally acceptable.**

The Army violated the NHPA by failing to undergo the section 106 process before it decided to eliminate hundreds of horses of varying historical origins located on properties that include historic landscapes.

I. The DEIS does not fulfill the agency's separate responsibilities under the National Historic Preservation Act.

A. An agency must determine whether its undertaking has the potential to cause effects on historic properties before making a final decision.

The NHPA requires that "[t]he head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking . . . prior to the approval of the expenditure of any Federal funds . . . shall take into account the effect of the undertaking on any historic property." 54 U.S.C. § 306108. The NHPA also commands that "the head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking." 54 U.S.C.A. § 306108.

The regulations governing the "Initiation of the section 106 process" state that "[t]he agency official shall determine whether the proposed Federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties. 36 C.F.R. § 800.3(a). An undertaking is broadly defined to include any

"project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency…" 36 C.F.R. § 800.16(y). Historic property is also broadly defined to include "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places . . ." 36 C.F.R. § 800.16(l)(1).

B. If an undertaking has the potential to cause effects on historic properties, an agency must undergo the section 106 process.

Regulations promulgated by the Advisory Council on Historic Preservation ("Advisory Council") require agencies to involve consulting parties in findings and determinations made during the section 106 process. 36 C.F.R. § 800.2. Parties that have consultative roles in the section 106 process include the Advisory Council, State historic preservation officers ("SHPO"), Indian tribes and Native Hawaiian organizations, usually through their appointed the tribal historic preservation officer ("THPO"), representatives of local governments, applicants for Federal approvals, and additional consulting parties.[13] 36 C.F.R. § 800.2(b)(c). In addition to consultation, the regulations also state, "the views of the public are essential to informed Federal decision." 36 C.F.R. § 800.2(d)(1). Therefore, "[t]he agency official must . . . provide the public with information about an undertaking and its effects on historic properties and seek public comment and input." 36 C.F.R. § 800.2(d)(2).

After establishing the consulting parties, the threshold step in the section 106 process is to delineate the area of potential effects ("APE"). 36 C.F.R. § 800.4(a)(1). The APE includes the area "within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties…." *Id.* § 800.16(d). Once the APE has been delineated, an agency must identify historic properties within the APE that could potentially be affected. *Id.* § 800.4(b). The agency must evaluate the historic significance of such sites, and determine whether they are potentially eligible for listing under the National Register. *Id.* § 800.4(c). Next, the agency must "apply the criteria of adverse effect to historic properties within the area of potential effects" by considering how the proposed action "would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association." 36 C.F.R. § 800.5(a),(a)(1). Finally, the agency must resolve any adverse effects through the development of mitigation measures. *Id.* § 800.6. Agencies must remain actively engaged with the consulting parties through each step of the section 106 process. 36 C.F.R. § 800.2.

C. Agencies may coordinate compliance with section 106 and requirements of NEPA, but the agency did not do that here.

The Advisory Council has developed for agencies to coordinate compliance with section 106 and the requirements of NEPA. "An agency official may use the process and documentation

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[13] Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties." 36 C.F.R. § 800.2(b)(5).

required for [NEPA] to comply with section 106 . . . if the agency official has notified in advance the SHPO/THPO and the Council . . ." 36 C.F.R. § 800.8. "Agencies should consider their section 106 responsibilities as early as possible in the NEPA process, and plan their public participation, analysis, and review in such a way that they can meet the purposes and requirements of both statutes in a timely and efficient manner." 36 C.F.R. § 800.8(a)(1). Agencies should ensure that consulting parties are "prepared to consult with agencies early in the NEPA process, when the purpose of and need for the proposed action as well as the widest possible range of alternatives are under consideration." 36 C.F.R. § 800.8(a)(2). Additionally, "[a]gency officials should ensure that preparation of an environmental assessment (EA) and finding of no significant impact (FONSI) or an EIS and record of decision (ROD) includes appropriate scoping, identification of historic properties, assessment of effects upon them, and consultation leading to resolution of any adverse effects." 36 C.F.R. § 800.8(a)(3). During preparation of the EA the agency must "[c]onsult . . . with the SHPO/THPO . . . other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents." 36 C.F.R. § 800.8(c)(iii). But the agency did not do this.

D. The One Lake project has the potential to cause effects on historic properties.

The One Lake project has the *potential* to cause effects on historic property, because it directly and negatively affects a large swath of riverside property that is likely to have historic and prehistoric sites and properties. Historic "objects" or sites are eligible for inclusion on the National Register of Historic Places as components of cultural landscapes or themselves as a historic "objects." An object is a "material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment." 36 C.F.R. § 60. The Pearl River banks and surrounding areas within the area of potential effect include prehistoric and historic archaeological sites. The agency must analyze, consult, and avoid or mitigate harm to these sites under the NHPA.

In addition to the archaeological and historic sites in the Pearl River Basin in the project's scope, landscapes are regularly found eligible for the National Register, usually as districts. A cultural landscape is "a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values." Charles A. Birnbaum, Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes, U.S. Department of the Interior, National Park Service, Cultural Resources Division, Preservation Brief 36, 1 (1994).[14] The project area of potential effect has the potential to include such landscapes.

E. The agency must undergo the NHPA Section 106 Process.

The agency must involve consulting parties in findings and determinations and undergo the section 106 process before committing to its any final decision. Consultation is the cornerstone of the section 106 process. The very purpose of Section 106 is to ensure that

[14]Available at https://www.nps.gov/tps/how-to-preserve/preservedocs/preservationbriefs/36Preserve-Brief-Landscapes.pdf).

"Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings." 36 C.F.R. § 800.1. "The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning." Setting the foundation for the section 106 process, "[t]he goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties." 36 C.F.R. § 800.1. This repeated call for consultation is a recognition that in order for agencies to achieve our national policy of historic preservation, they must gain assistance from outside experts and local informants. Just as a historian would not be entrusted to build our bridges, an engineer would not be entrusted to preserve our nation's cultural identity.

Conclusion

For these reasons, the DEIS is insufficient and must be rejected. Further, the agency must complete the NHPA Section 106 process before making and final decision.

Gulf Restoration Network reserves the right to refer to and use the comments of all other comment writers including but not limited to: U.S. Fish and Wildlife Service, Audubon Mississippi, Audubon Louisiana, St. Tammany Parish Government, The U.S. Environmental Protection Agency, Louisiana Department of Wildlife and Fisheries, Louisiana Department of Environmental Quality, Louisiana Department of Natural Resources, Louisiana Coastal Protection and Restoration Agency, Louisiana Department of Transportation, All other Louisiana state departments, Parishes and agencies, Mississippi Department of Wildlife Fisheries and Parks, Mississippi Department of Marine Resources, Mississippi Department of Environmental Quality, Mississippi Department of Transportation, National Wildlife Federation, Mississippi Wildlife Federation, Lake Pontchartrain Basin Foundation, New Orleans Audubon Society, Jackson Audubon Society, Pearl Riverkeeper and all persons submitting comments on their behalf or on behalf of any organization, city town, state, or any non-profit corporation. Gulf Restoration Network relies on the river science and engineering comments of Douglas Shileds, P.E., and the economics reviews of Sharon Hayes Ph.D., and Andrew Taylor, M.S., J.D. candidate at Tulane.

Gulf Restoration Network appreciates the opportunity to provide these comments.

Best regards,

Machelle Lee Hall

Machelle Hall
Counsel for Gulf Restoration Network

Cc:

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To:
Rankin Hinds Pearl River Flood and Drainage Control District
Via email: rankinhinds@gmail.com
P.O. Box 320790
Flowood, MS 39232

From:
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pearlriverkeeper@gmail.com
1060 Hwy 51, Suite 1A
Madison, MS 39110

RE: **Comments submitted on the Integrated Draft Feasibility Study and Environmental Impact Statement, Pearl River Watershed, Hinds and Rankin Counties, MS**

Date: **August 31, 2018**

Pearl Riverkeeper has reviewed the Rankin Hinds Pearl River Flood and Drainage Control District's Draft Environmental Impact Statement (DEIS) with associated appendixes and attended the project public meeting in Jackson. Pearl Riverkeeper and our members and supporters are vehemently opposed to the "tentatively selected plan" to dredge, widen and deepen 10 miles of the Pearl River, destroying over 1,500 acres of productive wetlands. We respectfully submit the following comments and issues to be addressed:

- **Ross Barnett Reservoir coordination and low flow compliance**: The discharge permits for the already beleaguered Savannah Street Sewage Treatment Plant rely on stable, freshwater flow from the Pearl. The present low flow "floor" is 227 cubic feet/sec (cfs) which ensures Savannah Street an adequate dilution as required by their NPDES discharge permit. A recent presentation to the LA Senate by Dr. deEtte Smythe, Regulatory Manager, St. Tammany Parish, revealed that this critical low flow has been violated 1613 times since 1960 or 7.7% of individual daily observations.[1] Since these low readings take place in the low flow months of June-October, these occurrences are significant. How the Ross Barnett Reservoir releases will coordinate with the new 1900-acre lake has not been determined. Constructing another lake with no currently defined low flow requirement would complicate this existing problem. The project proponents must be required to designate a critical low flow number for the new impoundment. The

[1] http://senate.la.gov/video/videoarchive.asp?v=senate/2018/08/081318PEARLRIVER_0

proponents should also be required to stipulate what governing body and regulations will be used to ensure flow coordination between the Ross Barnett Reservoir and the new impoundment.

- **Increased flash flooding in Jackson neighborhoods**: The proposed elevation of the water that would be pooled at the new project weir is 258', 8 feet higher than the water level of the current weir at Jackson Waterworks (250'). The new impoundment water level of 258' could impact the current urban creek and tributary flow rates. The current flash flooding events in Jackson neighborhoods could be exacerbated as the storm drain runoff is slowed down by the backed-up tributaries. The DEIS lacks detailed information regarding the new impoundment's impacts to urban creek flooding. Studies on potential engineering designs, such as tributary gates with head pressure to prevent backflow and allowing for adequate drainage away from the neighborhoods in the City of Jackson, must be completed.

- **Hazardous waste sites on City of Jackson property:** The Drainage District's cost projections oversimplify and undercut the expense of removing the hazardous waste sites, creosote slough and landfills along the river. The DEIS states that the environmental impacts associated with the removal could include, "the temporary addition of large additions of sediment to the Pearl River, the release or exacerbation of current releases of leachate and/or solid and hazardous substances to the groundwater and/or surface water..." (AllenES Environmental Evaluation of Hazardous, Toxic and Radiological Waste (HTRW) Sites, Sept 2014, p.14). The DEIS does not adequately detail the remediation efforts that will be required at each of the 3 main HTRW locations during removal.

  The DEIS does not provide documentation to validate their $8 million cost estimate for "landfill removal". The project proponents must conduct a more detailed study of the HTRW sites to determine exact monetary costs for removal. The project proponents should be required to conduct detailed soil, ground and surface water testing at each HTRW site and to develop a detailed project plan for removal of the HTRW contaminants in compliance with appropriate regulations.

  These HTWR sites are a current and ongoing threat to human health and the environment. According the AllenES report, unregulated landfill leachate, creosote and other hazardous substances are currently being released into the groundwater, surface water and sediments. Impacts include, "potential human health effects, biota impacts, impacts to important habitats such as wetlands, recreational impacts and other various environmental impacts from continued exposure to hazardous substances.." The cleanup of these HTRW sites is of vital importance and must not be predicated on choosing Alternative C.

- **Flood plain development:** The One Lake project would bulldoze riverside forests, dredge and dig 25 million cubic yards of riverbanks to elevate 1861 acres and get them ready for lakeshore development. These wetlands along the river provide vital ecosystem services such as natural

flood protections for our community, groundwater replenishment, water purification and pollutant removal and natural erosion control. The loss of trees has the potential to impact air quality and consequently industry and government compliance with air quality discharge permits. This plan goes against the national trend of dam removal and wetlands protection.

DEIS, Appendix B, p. 25 states, "There will be land available on both Hinds County and Rankin County sides of the expanded Pearl River banks. The elevations of these lands will be greater that the 0.2 percent chance exceedance and therefore, out of the flood plain." The DEIS does not adequately address the potential impacts of climate change and the hazards of increased flood plain development.

- **Water quality degradation**: Trapped pollution in a wider, slower lake will cause greater water quality degradation then would take place if the discharges are diluted and flushed through the system by a faster-flowing river. The DEIS, page 173 states that, "Alternative C is expected to result in indirect moderate long-term beneficial impacts to low water due to changes in hydrology from future development and the resulting increased runoff from developed impervious surfaces." Increased runoff from impervious surfaces should not be listed as a flood control benefit. In addition to the water quantity issues posed by more impervious surfaces, increased urban runoff from new development will also have a negative impact on water quality. For example, the DEIS Appendix D : Environmental Water Quality, page 133 states, "Water quality data collected from the project reach in July 2014 indicates that a localized storm over the area (i.e., Jackson Metropolitan area) could result in low dissolved oxygen water entering the Pearl River and temporarily depressing dissolved oxygen levels upstream of the existing low-level weir before upstream dilution water returns dissolved oxygen to pre-storm levels. Without improvements to minimize the impacts of urban runoff, similar conditions could occur with the implementation of Alternative C." The DEIS does not adequately address the water quality impairments that will occur in a slow-moving lake with larger surface area impacted by increased contaminants from urban runoff.

- **Loss to public lands**: A significant section of LeFleur's Bluff State Park, Jackson's equivalent to NYC's Central Park, would be permanently under water, according to the map published in the DEIS. The DEIS fails to account for the socioeconomic losses that would be incurred by the destruction of a portion of the LeFleur's Bluff State Park recreational resource. The DEIS also fails to take into account the potential land loss and bank sloughing along the MDOT mitigation bank at the Fannye Cook Natural Area.

- **Loss of critical wetlands and bottomland hardwoods**: Less than 25% of the pre-Columbian bottomland hardwood forests remain in the southeastern United. States.[2] The bottomland

[2] Carter, J and Biagas, J. "Prioritizing bottomland hardwood forest sites for protections and augmentation", *Natural Areas Journal*, vol 27, no. 1, 2007, pp. 72-82

hardwood forest habitat along the Pearl River in the project area has already been decimated by previous river channelization efforts. DEIS, Appendix D: Site Description of the Project Area, page 20: "This former bottomland hardwood forest ecosystem was once a functioning and sustainable habitat. However, increasing human encroachment and disturbances have degraded the area to its current condition." "These habitats are believed to perform functions vital to the prominent streams, including water control and purification, groundwater recharge, soil enrichment and erosion control." DEIS, Appendix D: Wetland Delineation and Determination, page 11: the Alternative C habitat loss would total 2,848 acres to include 1,017.221 acres forested wetlands, 266.120 acres scrub-shrub wetlands, 65.128 acres emergent wetlands and 150.125 acres cypress/tupelo slough. This is an unacceptable level of vital habitat loss. Restoration of this section of the Pearl River should be prioritized over more destruction.

- **Deficiency in endangered and threatened species studies:** The DEIS does not sufficiently address the project impact to several rare, threatened and endangered species:
    - inflated heelsplitter mussel (*Potamilis inflatus*) is listed as threatened under the Endangered Species Act and is considered critically imperiled in the state of Louisiana. "Unionid Mussels are the most endangered freshwater organisms, with roughly three quarters of the species in the United States considered in peril. Risks include habitat loss or alteration, riparian development, disruption of host fish dispersal by impoundments, pollution and invasive species."[3] Further study should be conducted to determine species impact.
    - Frecklebelly madtom (*Noturus munitus*) is a candidate species for federal protection.[4] This species requires a riverine habitat with gravel shoals free of sedimentation. DEIS, Appendix D, page 3 states, "Though it is thought that the Frecklebelly madtom occurred throughout the Pearl River Basin historically, more recent survey information indicates that the population no longer exists in the main channel of the Pearl." Current studies being conducted by Matt Wagner, Conservation Resource Biologist, State Ichthyologist/Curator of Fishes, MS Museum of Natural Science indicate that this species is prevalent in the main stem of the Pearl River. Further evaluation should be taken to determine impact to this species.
    - Gulf sturgeon (*Acipenser oxyrhynchus desotoi*) is listed on both the federal and state threatened species lists. This species conducts anadromous migrations that will be impacted by further impoundments on the Pearl River. Current USFWS project

[3] BROWN, KENNETH M., and WESLEY M. DANIEL. "The Population Ecology of the Threatened Inflated Heelsplitter, Potamilus Inflatus, in the Amite River, Louisiana." *The American Midland Naturalist*, vol. 171, no. 2, 2014, pp. 328–339., www.jstor.org/stable/43822737.

[4] Bennett, Micah G., et al. "Status of the Imperiled Frecklebelly Madtom, Noturus Munitus (Siluriformes: Ictaluridae): A Review of Data from Field Surveys, Museum Records, and the Literature." *Southeastern Naturalist*, vol. 7, no. 3, 2008, pp. 459–474. *JSTOR*, JSTOR, www.jstor.org/stable/20204015.

discussions underway to remove the sills at Poole's Bluff will allow for increased Gulf sturgeon migration upriver to the project area.

- Ringed map turtle (*Graptemys oculifera*) is listed as threatened under the Endangered Species Act. According to FWS, "if the proposed reservoir is completed, it would likely result in the extirpation of the known ringed map turtle population (south of the current reservoir)"[5]. Recent survey data from Dr. Will Selman indicates that "ringed sawbacks can occur in great abundance along the One Lake Project Area and recruitment/reproduction are better in this stretch than what has been observed in other ringed sawback populations." [6]

- **Inadequate public engagement and lack of public support:**
  - The DEIS was released without significant documents that would allow for full public and scientific review including the Fish & Wildlife Coordination Act Report, the Biological Opinion and the Independent External Peer Review Report.
  - The proponents failed to adequately engage and educate the public regarding the tentatively selected plan and the DEIS. Although the Drainage District was urged in writing by multiple organizations, including Pearl Riverkeeper and Gulf Restoration Network, to conduct their public meetings with open mic question and answer periods in order to allow for full discussions of the issues, the District decided to forego that option in favor of format that stifled public discourse. The Drainage District website is difficult to navigate, requires a submission of name and email address before the DEIS can be mailed to your inbox, and does not prominently display the public comment portal.
  - The DEIS states in Appendix A on page 36/37, "The local community, the State of Mississippi, and local leadership has supported and continues to support this alternative (C)....This alternative would have a high level of acceptability within the project area...Because Plan 15 and Plan 16 (Alternative C) have a high level of flood reduction along with a high level of acceptability, they seem to have the community support." The DEIS does not contain any supporting documents to back up this claim. Attached to this document is a petition with over 2,000 signatories and commenters in opposition to the Drainage District's selected plan.

- **Riverine habitat loss:** The Pearl River Watershed Feasibility Study, Two Lakes Flood Control Plan, Aquatic Evaluation 2006 completed by the ERDC Environmental Laboratory staff was utilized as a part of the updated Habitat Evaluation Procedures analysis for the current DEIS.

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[5] FWS, Ringed Map Turtle, 5-year review : Summary and evaluation 4 (2010), https://ecos.fws.gov/docs/five_year_review/doc3270.pdf

[6] Selman, Will, "Diamonds in the Rough: Status of Two Imperiled *Graptemys* species (*Graptemys oculifera* and G. *pearlensis* in the Pearl River of Jackson, MS", 31 July 2018

Page 513, Abstract of the Aquatic Evaluation 2006 states that "the lake Habitat Suitability Index for facultative riverine species was more than 50% lower than for existing conditions". The 2006 report also "indicates that obligate riverine species will become rare or extirpated from the project area after construction is completed. Habitat Units for the Facultative Riverine guild actually increased post-project but this was due to the increased water surface area of the lake, not increased habitat value. Major biological tradeoffs are evident with riverine species declining and lacustrine species increasing" by converting a river into a lake. The 2006 report also discusses several Mitigation requirements (reconnecting secondary channels, reconnecting or managing water levels of backwaters, protection/creation of gravel bars, and construction of in-lake wires to constrict flow and increase velocity).

Despite referencing the 2006 report, the DEIS determines that a compensation analysis would be required for terrestrial habitat only. The riverine mitigation requirements mentioned in the 2006 report are not discussed at all in the current DEIS. According to the DEIS, aquatic species would ultimately benefit from project implementation with the Channel Improvements Plan and the associated increase in aquatic habitats within the project area. Since the project would destroy approximately 250 acres of riverine habitat, the DEIS compensation analysis must be expanded to include aquatic habitat losses. The DEIS should differentiate between riverine and lacustrine aquatic habitat and must take into account net loss of riverine species.

- **Vague mitigation plans:** Appendix D: Habitat Evaluation Procedure Report, page 27 delineates 3 different Management Plan scenarios: Acquisition: acquiring existing forestland which can be somewhat related to preservation of existing habitats (estimates 17,190 acres of existing forestland purchased), Restorative: every existing habitat type within the project area would be restored at some other location in the Pearl River Basin ("would include the restoration of existing agricultural land through conversion to forestland"..."a total of approximately 9,076 acres of restoration of existing agricultural lands") and, Regenerative: only predominant bottomland hardwood forestland would be replaced (5,850 acres of reforestation of existing agricultural lands). The project proponents should reveal which Management Plan scenario has been chosen and provide detailed plans for proposed mitigation area locations and designs.

- **Downstream Impacts:** The DEIS inadequately addresses downstream impacts.
    - The MS Governor's Oyster Council Final Report in June 2015 stated that challenges facing the oyster industry and threats to success include insufficient water quantity and "alterations in the amount and natural fluctuation of freshwater flow". The report Recommendations for Action or Research includes: "discourage freshwater depleting projects and educate decision-makers on impacts of major freshwater depleting projects."[7]

[7] The Governor's Oyster Council Restoration & Resiliency, Final Report, June 2015

- Feb. 2018, "Effects of Annual Droughts on Fish Communities in Mississippi Sound Estuaries" states that, " With an increasing human population in central and south Mississippi, pressure on freshwater resources is likely to increase, resulting in possible changes in the fish community dynamics of the Mississippi Sound." In addition, (p. 1483) "Anthropogenic impacts such as water withdrawal from surface waters and aquifers as well as impoundments can have a profound effect on coastal regions by disturbing fundamental qualities of estuaries or even exacerbating already naturally occurring processes (Dynesius and Nilsson 1994; Hopkinson and Vallino 1995). In order to manage an estuarine system appropriately, it is important to understand how these systems are affected by natural fluctuations as well as anthropogenic stressors."[8]
- Over 100 discharge permit holders in Mississippi and Louisiana rely on stable, freshwater flow from the Pearl for adequate dilution and compliance.
- The DEIS does not adequately address the changes to sediment transport that will impact the health of our Gulf Coast estuaries.

Complete modeling of the Pearl River should be conducted before any further modifications to the system. Without concrete data on current flow rates and downstream water quantity and quality requirements, any large-scale impoundment project would be an experiment.

- **Inadequate evaluation of the alternatives:**
  - General Accounting Office after-action report from the 1979 flood stated that the main issues were a lack of early planning, Reservoir actions, and an improperly maintained West Bank Levee.[9] The Drainage District should evaluate enhanced management of the Ross Barnett Reservoir for increased flood control. Improvements to current deteriorating Jackson-area stormwater systems should also be considered.
  - DEIS Alt B proposes 8 levee systems (NE, LeFleur, I20, South Jackson, Belhaven, Flowood, Fairgrounds, E Jackson) and $311,609,907 worth of pumping plants. The Aug 2018 USFWS Fish & Wildlife Coordination Act Report questions the need for these expensive pumps. The report is critical of the lake alternative and suggests that the sponsors re-evaluate a levee option. This plan would change the position of certain levees to alleviate narrow areas in the flood plain and would concentrate any dredging and removal of bed or bank materials to the already disturbed mowed area below U.S. Hwy 80. These suggestions, along with the USFWS's questioning of the need for expensive pumps, both point to using the existing floodplain as intended, and not

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[8] Mickle, P.F., Herbig, J.L., Somerset, C.R. et al. Estuaries and Coasts (2018) 41: 1475. https://doi.org/10.1007/s12237-017-0364-5

[9] Report by the Comptroller General of the United States, "Improvements being made in flood fighting capabilities in the Jackson, Mississippi area", Dec 18, 1979

removing nearly 3 square miles of forested wetlands to convert present floodplain to open water.

The "tentatively selected plan", Alternative C, in the DEIS is not "environmentally acceptable" in the form presented.

The logical alternative to the "One Lake" project is a greenway linking existing nature preserves and parks and creating new ones to better utilize the river for recreation, tourism, and outdoor-related development, coupled with a flood control alternative. A greenway would have greater potential to improve the region's quality of life in a sustainable way, for far less money and without sacrificing a river that is crucial to the environment far beyond Jackson.

Sincerely,

Abby Braman
Executive Director, Pearl Riverkeeper

Audubon LOUISIANA

Audubon

Audubon MISSISSIPPI

September 5, 2018

Via Email and U.S. Mail
Board of Directors
Rankin-Hinds Pearl River Flood & Drainage Control District
P.O. Box 320790
Flowood, MS 39232

Re: Integrated Draft Feasibility and Environmental Impact Statement; Pearl River Basin, MS, Federal Flood Risk Management Project, Hinds and Rankin Counties, MS

Dear Board of Directors,

On behalf of National Audubon Society, including two state offices, Audubon Louisiana and Audubon Mississippi ("Audubon"), who represent millions of members and supporters from around the country, we are staunchly opposed to the dubious, ecologically harmful civil works project locally known as "One Lake".

For more than a century, Audubon has worked to protect birds and their habitats through the belief that where birds thrive people prosper. Our decades-long presence in the Mississippi River Flyway and Gulf of Mexico reflects their significance as rich ecosystems that annually support over 100 million migratory, nesting and wintering birds. The Pearl River with its diversity of birds, fish, wildlife, and their habitats, serves as a key environmental lynchpin, and is recognized as one of the most intact river systems in the southeast U.S.

We request our letter of opposition be made part of the official public record on the Integrated Draft Feasibility and Environmental Impact Statement; Pearl River Basin, Mississippi, Federal Flood Risk Management Project, Hinds and Rankin Counties, Mississippi (DEIS). The DEIS was prepared by the local sponsor, Rankin-Hinds Pearl River Flood and Drainage Control District (Drainage District), which has selected One Lake as their preferred alternative, Alternative C (Channel Improvement/Weir/Levee Plan).

Upon our review, we have concluded that the DEIS is a biased, faulty document that is technically deficient and scientifically unsound. Further, given the anticipated extensive and irreversible environmental impacts associated with this proposal, its effort to downplay or ignore downstream impacts, and the pursuit of a DEIS process that does not comply with all required federal laws, we find One Lake unacceptable.

Our resolute objection to One Lake is based on a number of consequential issues and unanswered questions, including the following:

Deficient Analyses and Faulty Science

Overall, we find this DEIS to be sloppy, incomplete, and scientifically unsound. The document is missing key analyses, lacks sufficient documentation of methodologies, and is rife with unsubstantiated assertions and conclusions that are made without appropriate scientific references. Examples of these grave deficiencies include:

- Falsely asserting that Mississippi does not have a state threatened and endangered species program (see DEIS Sect. 2.5.7.1. p. 80 line 27) when in fact it does[1].
- Citing "blue bird" as a species of bird, which it is not; however, Eastern Bluebird is. Further, "Several other song bird species" grossly underestimates the diversity of the Pearl River. For example, eBird[2] lists 196 species for three hotspots within or immediately adjacent to the project area, including many listed as conservation priority species in Mississippi's State Wildlife Action Plan (see DEIS Sect. 2.5.4.1. p. 77 line 28-29).
- Erroneous claims that "At present, no data exists of observations of Wood storks in the Project Area." (see DEIS Sect. 2.5.7.1. p. 84 line 24). The DEIS provided no reference to validate this claim. Again, eBird has records to refute this for 11 July 2009, 6 documented sightings; 24 July 2011, 5 documented sightings; 14 July 2013, 2 documented sightings.

The DEIS study area ends just south of the project site, which represents an egregious omission of the project's true cumulative impacts. The study area must be expanded to consider both upstream of the project site through and above the existing Ross Barnett Reservoir and Spillway, and extended southward along the 200-mile downstream stretch of the Pearl River and out into Mississippi Sound, Lake Borgne, and the Gulf of Mexico. Impacts to the neighboring state of Louisiana must be evaluated along with impacts to the coastal zones of Louisiana and Mississippi.

We find the alternatives analysis in the DEIS is totally inadequate. A report[3] completed by the Mississippi Legislative PEER Committee concluded that, "The plans incorporating economic development cost more than levees." Their study found that the flood control plans developed before 1996 offered less costly options that better address flooding concerns as compared to One Lake. These options include improvements to existing levees, raising buildings and homes, or buying out properties with historical flooding problems. If the purported goal of this DEIS is to provide flood control for the metro Jackson area, the Drainage District should be required to evaluate less ecologically damaging, more comprehensive flood control measures that could be implemented alone or in combination, such as

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[1] Mississippi Museum of Natural Science (2014). *Endangered Species of Mississippi.* Mississippi Department of Wildlife, Fisheries, & Parks, Mississippi Museum of Natural Science, Jackson, MS. See https://www.mdwfp.com/media/3231/endangered_species_of_mississippi.pdf.

[2] Launched in 2002 by the Cornell Lab of Ornithology at Cornell University and the National Audubon Society, eBird is a widely respected online database that gathers basic data on bird abundance and distribution at a variety of spatial and temporal scales. See www.ebird.org.

[3] Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) Report for the Mississippi Legislature (2010 Oct 12). *A Review of Flood Control Options for the Jackson Metropolitan Area, 1979-2010* (PEER Report #540). Jackson, MS: The Mississippi Legislature PEER Committee.

better management of the Ross Barnett Reservoir to reduce flooding[4]; flood-proofing existing homes and buildings; selectively elevating structures, buy-outs or relocations; setbacks existing from levees; restoring sections of the Pearl River floodplain and its tributaries; development and implementation of a comprehensive flood and stormwater Master Plan for the metro Jackson area to guide flood management, stormwater drainage and stormwater quality.

Further, Audubon finds it reprehensible that the DEIS is missing key information that is required by federal law to provide proper public and natural resource agency review of this monumental project. This includes the Fish and Wildlife Coordination Act Report, a Biological Opinion (in response to the Biological Report that was released late into the public comment period), and Independent External Peer Review Report; these documents are required per the Water Resources Development Act of 1996, the Endangered Species Act and the Fish and Wildlife Coordination Act. In a July 3, 2018, letter to the Drainage District, Audubon joined 24 other concerned non-profit groups asking for the current public comment period to be put on hold and restarted when all necessary documents are made publicly available. This has not happened nor have we received any acknowledgement of that letter by the Drainage District.

Finally, if One Lake is constructed, it will result in promoting extensive new development in and around the project site as well as the Pearl River floodplain. Given this far-reaching outcome, the Drainage District should be required to complete a Programmatic Environmental Impact Statement to more accurately quantify the project's primary, secondary, and cumulative impacts on the Pearl River's flora and fauna, and downstream resources.

Serious and Irreparable Ecological Damage

The preferred alternative involves dredging 25 million cubic yards of sediment from a 10-mile stretch of the Pearl River and constructing a dam to create a 1,900-acre impoundment (i.e. lake) purportedly to provide flood control for the metropolitan area of Jackson, Mississippi.

One Lake poses significant, irreversible damages – directly, indirectly, and cumulatively – to the Pearl River, birds and their habitats. These ecological impacts are not just limited to the immediate project footprint but also to the downstream resources that lie along the 200-mile stretch of the Pearl below the proposed dam as well as Mississippi Sound, Lake Borgne, and the Gulf.

The preferred alternative will directly destroy over 2,500 acres of habitat that supports Bald Eagles and several species of conservation priority songbirds, as well as a variety of fish and other wildlife. The proposal will eliminate or alter critical habitat for several federally threatened species like the Wood Stork, Gulf Sturgeon, Ringed Sawback (map) Turtle, and Northern Long-eared Bat. Not only are these habitat impacts unacceptable, the DEIS fails to present the required mitigation plan; this is yet another example of the technical omissions prevalent throughout the DEIS. Additionally, DEIS Appendix D (Environmental) appears to have substantial shortcomings that require close scrutiny as outlined in Attachment A.

[4] In 2013, the Lake Pontchartrain Foundation advised that, "An alternative that includes proper management of the Ross Barnett Reservoir should be included in the EIS and receive strong consideration. At the public meeting held in St. Tammany Parish on November 20, 2013, members of the [Drainage District] indicated that the main source of flooding in Jackson and surrounding municipalities was from water release from the Ross Barnett Reservoir."

Of particular concern are priority bird species that Audubon has identified in the proposed project area, affected Pearl River Basin and downstream areas: Prothonotary Warbler, Swainson's Warbler, Swallow-tailed Kite (Mississippi State Listed Endangered)[1], Reddish Egret, Clapper Rail, and Wood Stork (Federal and Mississippi State Listed Endangered)[1].

Audubon is also concerned about the impacts that may occur to Important Bird Areas (IBAs)[5]. For example, the Drainage District has made claims that the proposal has been modified in such a way that it will no longer affect LeFleur's Bluff State Park. LeFleur's Bluff State Park is recognized as an IBA due in large part to the 20-year-long effort by our local chapter, Jackson Audubon Society, to steward and manage the park's habitat as a premier nesting area for Prothonotary Warblers. Notably, the *State of North America's Birds 2016*, a report[6] developed by the North American Bird Conservation Initiative, of which Audubon is a partner, found the Prothonotary Warbler to be a species of high conservation concern. According to maps in the DEIS, however, dredging is still planned on park property. Other IBAs that are directly imperiled by One Lake include Hancock County Marsh Coastal Preserve (MS), East Delta Plain (LA), and Pearl River (LA; nominated). Audubon considers such impacts to IBAs unacceptable.

The Pearl River is a key source of freshwater for Mississippi Sound, Lake Borgne, and the Gulf of Mexico. The preferred alternative poses significant alterations to downstream river flows, sediment transport, water quality, and the fresh-salt water interface. We anticipate these significant changes to upstream flow will permanently alter downstream hydrology, resulting in substantial alterations to - and further loss of – habitats in the lower Pearl River basin, Mississippi Sound, and southeast Louisiana, including Biloxi Marsh. These wetland habitats provide crucial buffering protection from flood and storm events; the DEIS must also assess the potential result of increased storm surge and flooding in the Pearl River Delta and Central Gulf.

Other imperiled habitats and wildlife corridors from One Lake include over 125,000 of designated conservation lands such as Bogue Chitto National Wildlife Refuge, Hancock County Coastal Preserve, Pearl River Wildlife Management Area, Ben's Creek Wildlife Management Area, Marion County Wildlife Management Area, Old River Wildlife Management Area, 2,200 acres protected by The Nature Conservancy, and the 87-acre Fischer Wildlife Sanctuary that is owned and managed by Orleans Audubon Society, a local Audubon chapter. Many of these areas are comprised of vast stretches of bottomland hardwood forests and wetlands that require a specific and frequent hydrologic regime to provide the appropriate balance of nutrients, sediments, and freshwater to remain healthy and productive.

Our concerns about the altering or loss of downstream habitats includes consequences to foraging, nesting, and breeding habitats that birds depend on in the Pearl River basin. For example, the lower basin is recognized to provide important stopover habitat for Neotropical migratory birds as well as supporting valuable nesting and foraging habitat for an array of bird species. Along with Mississippi Sound, Breton Sound, and the Central Gulf, this region provides vital foraging habitat for birds by supporting oysters, fish, shrimp, crabs, insects, small mammals and other aquatic/terrestrial vertebrates and invertebrates as well as plants.

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[5] An IBA is an area that has been identified using an internationally agreed to set of criteria as being globally important for the conservation of bird populations. National Audubon Society administers the program in the U.S.

[6] See http://www.stateofthebirds.org/2016/resources/species-assessments/.

The potential for altered upstream flows to impact bird foraging habitat, as well as the broader food web, is demonstrated by a recent scientific paper[7] that examined how droughts can alter river and tributary inputs into Mississippi Sound and result in dramatically changing the fish community structure. Of the eight species studied, researchers found "...the abundance of seven species significantly decreased while the abundance of one species significantly increased." The DEIS must fully assess these consequences.

Audubon has had a long-standing involvement in efforts to restore the Mississippi River Delta and in guiding Gulf recovery efforts from the 2010 Deepwater Horizon oil disaster. The proposal jeopardizes the multi-million dollar restoration projects planned or underway across the Central Gulf Coast. Accordingly, the DEIS must include an assessment of impacts to these restoration projects.

Notably, the Pearl River has been recognized by the National Park Service[8] for its scenic, recreational, fish and wildlife values, thereby being listed on the Nationwide Rivers Inventory (NRI) as a potential candidate for inclusion in the National Wild and Scenic River System. One Lake would impact all designated 151 River Miles (RM), namely RM 161 (above the City of Columbia, MS) to RM 312 (one mile south of Jackson, MS). Under the Wild and Scenic Rivers Act section 5(d)(1) and related guidance, all federal agencies – or in this case, the Drainage District - must seek to avoid or mitigate actions that would adversely affect NRI river segments. Further, the proposal threatens several natural and scenic tributaries designated by the State of Louisiana that are located in the lower Pearl River basin.

Finally, we are concerned about ecological and public health threats posed by numerous hazardous and/or contaminated sites that have been identified in the project area. Given the massive dredge and fill undertaking of the preferred alternative, extensive water and soil sampling should be required in and around the project footprint and downstream.

In summary, the multitude of outstanding ecological concerns and technical questions associated with this complex, questionable, and environmentally harmful project requires the highest degree of accurate scientific rigor and comprehensive, complex analyses. The current DEIS is fundamentally flawed.

In conclusion, the DEIS is missing crucial sections that are required by federal law for adequate public and scientific review. The incomplete proposal makes many ecological and economic assumptions, and it requires more rigorous study of downstream impacts. Audubon is wholly committed to protecting the Pearl River, its ecological resources, local and downstream communities, and the regional economy, and we resoundingly object to this ill-conceived, destructive proposal.

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[7] Mickle, Paul F., J.L. Herbig, C.R. Somerset, B.T. Chudzik, K.L. Lucas, and M.E. Fleming. 2018. Effects of annual droughts on fish communities in Mississippi Sound estuaries. *Estuaries and Coasts* 41: 1475-1485.

[8] According to the NRI (http://www.nps.gov/ncrc/programs/rtca/nri/) the Pearl River is cited for, "Numerous endangered, threatened and rare species; excellent example of large Gulf Coastal Plain river with extensive swamplands; upper reach very scenic." The National Park Service provides instructions on the process of consulting on projects potentially affecting NRI segments. See https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm.

Please contact Jill Mastrototaro at Audubon Mississippi (jmastrototaro@audubon.org) if you have any questions or would like additional information.

Sincerely,

Audubon Louisiana

Audubon Mississippi

National Audubon Society

Cc: Major General Richard G. Kaiser, Commander, USACE Mississippi Valley Division

Attachment

ATTACHMENT A

Audubon has identified an array of shortcoming and deficiencies in DEIS Appendix D (Environmental) that require thorough attention and correction, including, but not limited to the following:

Threatened and Endangered Species (T&E) Biological Assessment

Wood Stork

- There are three eBird reports in the project area (11 July 2009, 6 documented sightings; 24 July 2011, 5 documented sightings; 14 July 2013, 2 documented sightings). This contradicts the statement that "there are no documented sightings of the Wood Stork within the project area." The DEIS fails to provide any methodology or details to support this statement.
- There are several additional eBird reports in the lower Pearl River basin, from Bogalusa, Louisiana, south to Interstate-10. There is no assessment how the One Lake project would impact Wood Stork foraging habitat there.

Bald Eagle

- The statement in the Wood Stork section: "would not likely jeopardize the continued existence of the species" (Appendix D, page 32) and in the Bald Eagle section: "...that would not likely affect the population's stability across its range" are not appropriate thresholds by which impacts to T&E species should be evaluated.

Gulf Sturgeon

- It is acknowledged that limited is available data in the upper reaches of the Pearl River basin (i.e. Project Area) on page 41 (and elsewhere), and we agree that surveys are needed to evaluate potential impacts, but before design and construction phases in contrast to the statement in the third paragraph: "...further coordination will need to take place through the project design and construction phases...". Efforts to restore Gulf sturgeon elsewhere may result in local or regional population increases and the re-occupancy of currently unused suitable habitat (Critical Habitat), so the current presence/absence of sturgeon may not be relevant to future use of the Project Area. "Would not likely jeopardize" (end of 3rd paragraph, page 41) is not good enough. Critical Habitat should not be removed.

Ringed Sawback (map) Turtle

- "Temporary" displacement cannot be guaranteed, and "could" re-populate the area is also not guaranteed. Again, coordination with US Fish & Wildlife Service (USFWS) is critical before moving forward with any project. Audubon does not support temporary impacts to this or other T&E species.

Northern Long-eared Bat

- Lack of data in the DEIS is a problem. A recovery from white nose syndrome could allow the project area to be occupied even if not occupied today.

Habitat Evaluation Procedures (HEP) Report

- The HEP is limited to the project construction area, and only evaluated two alternatives, B (Levee Plan) and C (Channel Improvement/Weir/Levee Plan).

- It only considered "direct impacts associated with the two proposed structural alternatives", and fails to consider indirect impacts of reduced hydrology throughout the lower Pearl River basin including Mississippi Sound, Lake Borgne, and the Gulf.

- Does not consider 'conservation priority species' as a selection method for choosing species to include, rather it uses ecological, recreational, or economic value, and to represent a suite (guild) of species, which is not the same.

- According to USFWS, the HEP "is directly applicable only to the evaluation species selected. The degree to which predicted impacts for these species can be extrapolated to a larger segment of the wildlife community depends on careful species selection." (https://www.fws.gov/policy/ESM102-3.PDF).

- The bird species selected, with the exception of Eastern Meadowlark, are generally habitat generalists, meaning that they can occupy a wide variety of habitat types, including suburban, residential, a variety of forest types, and so on. Thus, they are poor choices to extrapolate impacts to conservation priority species, and those that are relatively specific in their habitat needs.

- We recommend the goals of the HEP should be improved, which are defined as understanding impacts to the target species, and recommend that the HEP be revised to select conservation priority species. See MS State Wildlife Action Plan (SWAP) Species of Greatest Conservation Need (SGCN) rankings: that serve as specific representatives of distinct habitat types (rather than generalists) impacted by Alternative B (Levee Plan) and Alternative C (Channel Improvement/Weir/Levee Plan) (https://www.mdwfp.com/media/251788/mississippi_swap_revised_16_september_2016_reduced_.pdf). Habitat suitability models are available for a variety of conservation priority species potentially impacted here; for examples see Tirpak et al. 2009, *Journal of Wildlife Management* 73). Alternative species with MS SWAP SGCN rankings could include: Little Blue Heron (S2), White Ibis (S2), Red-headed Woodpecker (S4S5), Prothonotary Warbler (S5), Kentucky Warbler (S5), Painted Bunting (S4), Prairie Warbler (S5), Wood Thrush (S5), and Rusty Blackbird (S2).

- Because of our concerns about the selection of HEP species, we have reservations that the Compensatory Analysis is neither suitable nor applicable.

- We also recommend a thorough investigation of downstream impacts to fish and wildlife. Top conservation species listed in the Louisiana Wildlife Action Plan that would potentially be impacted include the Swallow-tailed Kite (S1S2), American Woodcock (S5), and Swainson's Warbler (S4), as identified as "trigger" species in the Pearl River Important Bird Area.

American Rivers * American Sportsmen Against Poachers * America's WETLAND Foundation
Atchafalaya Basinkeeper * Audubon Louisiana * Audubon Mississippi
Backcountry Hunters & Anglers * Baton Rouge Audubon Society * Capital City Kayaks
Coalition to Restore Coastal Louisiana* Coast Group of the Mississippi Chapter of the Sierra Club
Collins & Associates * Commission on Stewardship of the Environment * Crystal Seas Oysters
Delta Chapter of the Sierra Club * Dr. Wagner's Honey Island Swamp Tours
East Ascension Sportsman's League * Environmental Defense Fund * Florida Wildlife Federation
Friends of Black Bayou, Inc. * Great Egg Harbor Watershed Association
Gulf Islands Conservancy, Inc. * Gulf Restoration Network
Historic Ocean Springs Saltwater Fly Fishing Club * Holy Cross Neighborhood Association
Honey Island Kayak Tours * Jackson Audubon Society * Kentucky Resources Council
Land Trust for Louisiana * League of Women Voters – Jackson Area * Levees.org
Lost Lands Tours, LLC * Louisiana Audubon Council * Louisiana Interchurch Conference
Louisiana Wildlife Federation * Minnesota Division Izaak Walton League of America
Mississippi Chapter of the Sierra Club * Mississippi Commercial Fisheries United
Mississippi Wildlife Federation * National Audubon Society * National Wildlife Federation
New Orleans Chamber of Commerce * New Orleans Group of the Sierra Club
North Gulfport Community Land Trust * On Wings of Care, Inc. * Orleans Audubon Society
Pearl River Eco-Tours * Pearl Riverkeeper * Rapides Wildlife Association
South Mississippi Kayak Club * SouthWings, LLC
The Center for Sustainable Engagement and Development * The Episcopal Diocese of Louisiana
Tierra Resources LLC * Town of Abita Springs * Wayfarer Environmental Technologies, LLC

September 5, 2018

Via Email and U.S. Mail
Board of Directors
Rankin-Hinds Pearl River Flood & Drainage Control District
P.O. Box 320790
Flowood, MS 39232

Re: Integrated Draft Feasibility and Environmental Impact Statement; Pearl River Basin, MS, Federal Flood Risk Management Project, Hinds and Rankin Counties, MS

Dear Board of Directors,

The 56 undersigned businesses, and organizations representing millions of members and supporters from across the country, write to express our pledge to protect the Pearl River by objecting to an ill-conceived, destructive civil works project locally known as "One Lake". Several of these organizations will also be submitting additional comments on the project.

This current proposal involves dredging and widening 10-miles of the Pearl River and building a dam to create a 1,900-acre lake under the guise of providing dubious flood control benefits for the metropolitan

area of Jackson, Mississippi. This project poses serious threats to the ecology of Mississippi, Louisiana, and the Gulf of Mexico as well as to local and downstream communities and the region's economy.

We express our staunch opposition to this proposal as part of the public review and comment period underway for the Integrated Draft Feasibility Study and Environmental Impact Statement (DEIS) for this project, which is formally known as the Pearl River Basin, Mississippi, Federal Flood Risk Management Project, Hinds and Rankin Counties, MS. As the local sponsor, the Rankin-Hinds Pearl River Flood and Drainage Control District (Drainage District) has selected One Lake as its preferred alternative, as reflected in the DEIS.

The DEIS is fundamentally flawed and appears to be strongly biased towards the highly controversial One Lake plan. The DEIS ignores and downplays adverse impacts to environmental and public health and safety. The DEIS also lacks the technical detail necessary to fully grasp the project's many direct, indirect, and cumulative impacts over the immediate and long-term. The DEIS also ignores highly practicable alternatives that could both protect the public and the environment. Additionally, the process used to develop this DEIS has not followed all required federal laws and has failed to meaningfully engage the public and concerned stakeholders.

Our objection to One Lake is based on the following:

Devastating Environmental Impacts

Recognized as one of the most intact river systems in the southeast U.S., the Pearl River supports a vast diversity of birds, fish and wildlife, and their habitats. One Lake puts these prized resources in jeopardy.

The proposal involves dredging 25 million cubic yards of sediment from a 10-mile stretch of the Pearl River and building a dam to create a 1,900-acre lake (i.e. impoundment) under the veil of flood control. It would completely destroy over 2,500 acres of wildlife habitat, including at least 1,500 acres of vitally important bottomland hardwood wetlands and floodplain habitat that also provides natural flood protection for local communities. Additional habitat losses from indirect impacts are also highly likely. The dredged sediments would be used to construct new levees, raise existing levees, and build up surrounding lands. These efforts will create new developable land that could put more homes, businesses, and property at risk of flooding.

Hundreds of species of fish and wildlife would be impacted, including several listed and at risk species. The proposed project would wipe out or damage thousands of acres of habitat for several federally threatened species including the Gulf sturgeon, Ringed sawback turtle, Wood stork, and Northern long-eared bat, as well as other important habitats that support birds, fish and other wildlife. The DEIS nevertheless contends that the project will have minimal impacts to fish and wildlife based in part on many un- or poorly substantiated statements on wildlife findings. The DEIS even fails to include readily available current population data on species such as the Ringed sawback turtle and Gulf sturgeon. Much more study must be done to properly assess the full extent of the harm to fish and wildlife from the proposed project. This includes properly conducting fish and wildlife surveys in the study area as well as within the Pearl River basin above the project (i.e. near and around the existing Ross Barnett Reservoir) and 200-miles downstream below the proposed dam in order to properly quantify the project's anticipated wildlife impacts.

In addition, as the Gulf of Mexico's fourth largest source of freshwater east of the Mississippi River, the Pearl River is a key artery to sustain the health and productivity of Mississippi Sound, Lake Borgne, and the Gulf. More than 200 miles of the Pearl flow south below the proposed dam. Changes in flow,

especially in June-October during seasonal low flow periods, could alter water quality and coastal salinities, affect sediment transport, and increase saltwater intrusion upriver. Altered flows threaten the health and productivity of additional downstream habitats that support an array of fish, birds, and wildlife. This includes over 125,000 acres of existing - and mostly public - conservation lands, such as Bogue Chitto National Wildlife Refuge, Pearl River Wildlife Management Area, and Hancock County Coastal Preserve; these areas depend on sediment and freshwater brought downstream by the Pearl.

Altered flows are expected to have serious economic repercussions too. This includes the regional nature-based tourism operators and the seafood industry, where the already struggling oyster sector relies on a well-balanced mix of fresh-salt water to ensure oyster survival and harvest. The Louisiana Oyster Task Force and the Mississippi Governor's Oyster Council have identified insufficient freshwater flows from the Pearl River to coastal waters as a major threat to oyster production in both states. Both the State of Louisiana and Mississippi Commission on Marine Resources have cited concerns about One Lake's threat to oyster production by passing unanimous resolutions against the project. Also at risk is the ecological success of many multi-million dollar restoration projects in coastal Mississippi and Louisiana as part of the 2010 Deepwater Horizon recovery effort and in plans to restore the Mississippi River Delta.

Also more than one hundred downstream industrial users and municipalities in Mississippi, and eight in Louisiana, depend on a reliable flow of freshwater from the Pearl River to meet their environmental permit discharge limits. Less freshwater flowing down river is expected to make it difficult for these permit holders to stay in compliance, which could lead to increased costs for installing new water treatment technologies in order to stay in compliance. Such users include sewage treatment plants for Jackson, Bogalusa and Pearl River as well as Georgia-Pacific and International Paper.

Serious Public Health Risks

One Lake would directly impact at least three contaminated sites, a former creosote wood treatment facility and two unpermitted landfills. There are at least five other highly contaminated properties within or near the project area, including a hazardous waste site identified for federal Superfund cleanup.

In fact, a report[1] commissioned as part of DEIS Appendix C acknowledges that most of these sites serve as an existing source of hazardous pollution and as such, pose significant immediate threats to the public health, safety, and welfare of local residents and downstream communities. These alarming findings demand the highest urgency from local, state, and federal authorities to take swift and aggressive action to protect public health.

Further, despite recognizing that these sites would require cleanup, the DEIS actually minimizes their public health threats and fails to include a plan to safeguard public health. The DEIS's $8 million dollar estimate to perform all necessary remediation of these sites is completely unrealistic in light of the scope and scale of the pollution that is chronicled.

The project also proposes to dredge 25 million cubic yards of sediment from the Pearl River Basin that will be used for levees and land building. In addition to the existing hazardous waste sites, this activity will occur in a highly disturbed urban-rural corridor that has many sources of point and non-point pollution. However, the DEIS fails to acknowledge or evaluate the potential threats to public and

[1] Allen Engineering and Science (Sept 2014). *Environmental Evaluation of Hazardous, Toxic, and Radiological Waste (HTRW) Sites* (Project No. 14120). Ridgeland, MS: Mendrop Engineering Resources.

environmental health from digging, transporting, and redistributing these sediments. The Drainage District should perform extensive public and ecological health-related sampling, both in the project area and downstream, before any further consideration is given to this project. At minimum, such testing and analysis would include water (i.e. Pearl River and tributaries, groundwater, drinking water, discharge permit holders), soils and air quality.

Study Gaps, Incomplete Science and Unanswered Questions

This DEIS is being prepared under Section 211 of the Water Resources Development Act (WRDA) of 1996, which does not waive any laws or planning requirements. As the local sponsor, the Drainage District is required to comply with all federal laws and planning requirements as if the DEIS was being developed by the U.S. Army Corps of Engineers (Corps).

"Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA."[2] Accordingly, the DEIS must be based on "high quality" science and information, and Drainage District/Corps must "insure professional integrity, including scientific integrity, of the discussions and analysis in environmental impact statements."[3] Importantly, if information that is essential for making a reasoned choice among alternatives is not available, the Drainage District/Corps **must** obtain that information unless the costs of doing so would be "exorbitant."[4]

An EIS must utilize "quantified or detailed information" when analyzing impacts.[5] The DEIS may not rely "on conclusory statements unsupported by data, authorities, or explanatory information."[6] Accordingly, the DEIS must supply supporting data and authorities, and explain how and why it has drawn the conclusion it has reached.

It is clear that these standards have not been met in this DEIS. Notably, the U.S. Fish & Wildlife Service[7] made a striking conclusion in their assessment of the DEIS, that the Drainage District should be required to produce a second draft DEIS that would provide "greater details regarding plan formulation, design, operation, mitigation, and adaptive management" before the project advances.

Indeed, the DEIS is rife with significant omissions that are discussed in the other sections of these comments. In addition, during the 2013 scoping process to develop this DEIS, many stakeholders, including environmental groups and state resource agencies, urged the Drainage District to take a comprehensive look at the project's true footprint, which would include the 200-mile stretch of the

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[2] 40 C.F.R. § 1500.1(b).

[3] 40 C.F.R. § 1502.24 ("Agencies shall insure professional integrity, including scientific integrity, of the discussions and analysis in environmental impact statements"); *Earth Island Inst. v. U.S. Forest Service*, 442 F.3d 1147, 1159-60 (9th Cir. 2006) (quoting 40 CFR §1502.24).

[4] 40 C.F.R. § 1502.22. During the November 9, 2015 Public Meeting on the DEIS (in Eastpoint, FL), a representative of the Corps advised the public that the Corps would not research a public comment on a technical issue unless the comment was accompanied by data and analysis that demonstrates the point made. This demonstrates a severe misunderstanding of the rules that govern preparation of an EIS. As noted above, the Corps (not the public) must obtain information that is essential for making a reasoned choice among alternatives. It is also the Corps responsibility to prepare the EIS in a manner that complies with NEPA, and that includes obtaining and providing important information on alternatives and possible impacts.

[5] *Neighbors of Cuddy Mountain v. U. S. Forest Service*, 137 F.3d 1372, 1379 (9th Cir. 1998); *Ecology Center v. Castaneda*, 574 F.3d 652, 666 (9th Cir. 2009) (requiring "quantified or detailed data"); *Natural Resources Defense Council v. Callaway*, 524 F.2d 79, 87 (2d Cir. 1975).

[6] *Id*.

[7] U.S. Department of the Interior Fish & Wildlife Service (Lafayette, LA). Letter to: Michael E. Goff (President, Headwaters, Inc., PO Box 2836, Ridgeland, MS). 2018 Aug 16.

Pearl River basin below the proposed dam as well as the State of Louisiana, Mississippi Sound, Lake Borgne, and the Gulf of Mexico. The DEIS study area, however, remains limited to the project footprint, ending just south of the project site.

This is a serious omission given the dramatic scale and scope of potential environmental impacts from One Lake. The study area must be expanded to reflect its geographic reach and more rigorous, science-based analyses and hydrologic modeling of downstream impacts are vital to assess downstream issues.

Another serious failure of the DEIS is that it does not give any consideration to the existing Ross Barnett Reservoir and Spillway located just seven miles upstream of the proposal, nor how these two projects would be managed or operated in conjunction with one another. Specifically the Ross Barnett Reservoir is appropriately managed in such a way to release floodwaters from the upper Pearl River Basin through the Jackson metro area without either back flooding urban creeks, or overtopping existing levees. Therefore, modeling upstream of the proposal is essential as well.

Clearly, the DEIS is technically unfeasible and scientifically unsound, and much more due diligence is needed to provide the level of detail and rigorous analyses essential to satisfy scrutiny by the public, concerned stakeholders, and resource agencies. The multitude of outstanding questions must be answered before One Lake receives any further attention.

Inadequate Alternatives Analysis and Questionable Costs

Since the 500-year flood of record in 1979, several plans to address flooding from the Pearl River have been introduced for the Jackson metropolitan area. Almost four decades later, no plan has yet been implemented.

Flood control plans developed before 1996 emphasized improvements to existing levees, raising buildings and homes, or buying out properties with historical flooding problems. In 1996, a local businessman proposed the first of several plans to dam the Pearl River south of Jackson, with the well-publicized goal of creating developable waterfront property along with questionable flood control benefits. One Lake is the latest iteration of this original idea, which is the Drainage District's locally preferred option and according to the DEIS, is the best alternative to address flooding issues.

However, the DEIS ignores or downplays these previous reports and analyses and fails to evaluate a full range of reasonable alternatives as required by the National Environmental Policy Act (NEPA). The DEIS instead appears to have been written for the purpose of justifying the One Lake alternative.

For example, a Mississippi Legislative PEER Report[8] determined, "A Comprehensive Levee Plan would be less expensive than a lake plan." The levee option reviewed in the PEER report did not include pumps yet the DEIS added them to Alternative B (Levee Plan) without any technical or science-based rationale. By doing so, this added significant cost to the levees-only option and resulted in the One Lake alternative appearing to be more cost-effective. Furthermore, the PEER report determined that the flood control plans proposed before 1996 offered less costly options that would better address flooding concerns.

The DEIS also fails to consider the highly practicable solution of utilizing floodplain restoration either alone or in combination with common sense measures like targeted flood proofing and relocations, and

[8] Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) Report for the Mississippi Legislature (2010 Oct 12). *A Review of Flood Control Options for the Jackson Metropolitan Area, 1979-2010* (PEER Report #540). Jackson, MS: The Mississippi Legislature PEER Committee.

levee setbacks. The absence of a meaningful evaluation of this type of alternative renders the DEIS inadequate.

A flood control project for the Pearl River Basin was authorized under Section 3104 of the Water Resources Development Act (WRDA) of 2007, which requires that the plan be "environmentally acceptable and technically feasible". When taking into consideration the U.S. Fish & Wildlife Service's letter (referenced in the previous section) that found One Lake to be "the most environmental damaging plan" considered in the DEIS, the Drainage District clearly has failed to thoroughly evaluate all possible flood control alternatives. Additional options would include non-structural approaches and the use of natural infrastructure.

Finally, as stated in the DEIS, many of its cost projections rely on numerous assumptions or unknowns. Costs that are totally absent from or appear significantly underestimated in the DEIS budget projections include mitigation plans, hazardous/toxic site remediation, contaminated sediment testing and water sampling, and relocating infrastructure (i.e. roads, bridges, railroad lines, utilities). These economic discrepancies signal that the true costs of One Lake will likely well exceed the estimated construction and annual maintenance cost of $345 million and $13.9 million, respectively.

These poorly substantiated economics and unaccounted costs are unacceptable given the size and scope of One Lake. These irresponsible economics are even more outrageous when considering the proposal has been – and is expected to remain – funded solely at taxpayers' expense.

Disregard for Federal Law and Lack of Transparency

To reiterate, the DEIS is being conducted under Section 211 of the WRDA of 1996, which directs the Drainage District to comply with all federal environmental laws and planning requirements in the same manner as if the Corps were preparing this study. However, the DEIS is missing crucial information that is required to be prepared for this project. This includes, the Fish and Wildlife Coordination Act Report, a Biological Opinion (in response to the Biological Report that was released late into the public comment period), and Independent External Peer Review Report. The absence of these critical documents has prevented the public and concerned stakeholders from fully assessing – and commenting on - the true extent of One Lake's impacts. As such, our businesses and organizations have requested the Corps Mississippi Valley Division to take over this review process and restart the comment period when all necessary documents are made publicly available. A copy of this request is attached.

The Drainage District also has been delinquent in promoting purposeful public participation in the decision-making process for this DEIS. Such failures include:

- No official notice in the Federal Register nor any communications to those who filed scoping comments in 2013, impacted local/downstream communities or states, or other concerned stakeholders.
- A very short 45-day public comment period, which was poorly re-noticed when it was extended in response to the release of the required Biological Assessment.
- A website that does not prominently list the comment deadline or provide direction to the public for making comments, and obligating the public to request receipt of the DEIS documents. Given widespread feedback from stakeholders who have attempted to navigate the website and have yet to receive responses to their requests to obtain a copy of the DEIS documents, many technical issues remain. This has stymied public input.

- Poorly noticed and organized public meetings that were designed to suppress public input, such as having no signage, withholding meeting details until well into the comment period, and failing to incorporate an audience-based Question-&-Answer component, which ignored current and past requests from the 2013 scoping process.

In summary, we reiterate our opposition to One Lake based on the devastating environmental harm, community impacts, and economic consequences it poses. The current DEIS is woefully inadequate – it makes countless unsubstantiated assertions, lacks technical detail, requires extensive environmental sampling, and demands more rigorous modeling of immediate and up/downstream impacts – all of which is essential for proper review by the public, concerned stakeholders and communities, and natural resource agencies. The DEIS process has failed to engage the public in a timely and sufficient manner, and it does not comply with federal laws. Please contact Jill Mastrototaro at Audubon Mississippi (jmastrototaro@audubon.org) if you have any questions or need additional information.

Sincerely,

American Rivers

American Sportsmen Against Poachers

America's WETLAND Foundation

Atchafalaya Basinkeeper

Audubon Louisiana

Audubon Mississippi

Backcountry Hunters & Anglers

Baton Rouge Audubon Society

Capital City Kayaks

Coalition to Restore Coastal Louisiana

Coast Group of the Mississippi Chapter of the Sierra Club

Collins & Associates

Commission on Stewardship of the Environment

Crystal Seas Oysters

Delta Chapter of the Sierra Club

Dr. Wagner's Honey Island Swamp Tours

East Ascension Sportsman's League

Environmental Defense Fund

Florida Wildlife Federation

Friends of Black Bayou, Inc.

Great Egg Harbor Watershed Association

Gulf Islands Conservancy, Inc.

Gulf Restoration Network

Historic Ocean Springs Saltwater Fly Fishing Club

Holy Cross Neighborhood Association

Honey Island Kayak Tours

Jackson Audubon Society

Kentucky Resources Council

Land Trust for Louisiana

League of Women Voters – Jackson Area

Levees.org

Lost Lands Tours, LLC

Louisiana Audubon Council

Louisiana Interchurch Conference

Louisiana Wildlife Federation

Minnesota Division Izaak Walton League of America

Mississippi Chapter of the Sierra Club

Mississippi Commercial Fisheries United

Mississippi Wildlife Federation

National Audubon Society

National Wildlife Federation

New Orleans Chamber of Commerce

New Orleans Group of the Sierra Club

North Gulfport Community Land Trust

On Wings of Care, Inc.

Orleans Audubon Society

Pearl River Eco-Tours

Pearl Riverkeeper

Rapides Wildlife Association

South Mississippi Kayak Club

SouthWings, LLC

The Center for Sustainable Engagement and Development

The Episcopal Diocese of Louisiana

Tierra Resources LLC

Town of Abita Springs

Wayfarer Environmental Technologies, LLC

Cc: Major General Richard G. Kaiser, Commander, USACE Mississippi Valley Division

33 U.S. Code Section 2231 - Study of water resources development projects by non-federal interests

(a) Submission to Secretary (1) In general

A non-Federal interest may undertake a federally authorized feasibility study of a proposed water resources development project, or, upon the written approval of the Secretary that the modifications are consistent with the authorized purposes of the project, undertake a feasibility study on modifications to a water resources development project constructed by the Corps of Engineers, and submit the study to the Secretary.

(2) Guidelines

To assist non-Federal interests, the Secretary, as soon as practicable, shall issue guidelines for the formulation of feasibility studies of water resources development projects undertaken by non-Federal interests to—

(A) ensure that any feasibility study with respect to which the Secretary submits an assessment to Congress under subsection (c) complies with all of the requirements that would apply to a feasibility study undertaken by the Secretary; and

(B) provide sufficient information for the formulation of the studies, including processes and procedures related to reviews and assistance under subsection (e).

(b) Review by Secretary

(1) In general

The Secretary shall review each feasibility study received under subsection (a)(1) for the purpose of determining whether or not the study, and the process under which the study was developed, each comply with Federal laws and regulations applicable to feasibility studies of water resources development projects.

(2) Timing

The Secretary may not submit to Congress an assessment of a feasibility study under this section until such time as the Secretary—

(A) determines that the feasibility study complies with all of the requirements that would apply to a feasibility study undertaken by the Secretary; and

(B) completes all of the Federal analyses, reviews, and compliance processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that

would be required with respect to the proposed project if the Secretary had undertaken the feasibility study.

(3) Initiation of review (A) Request (i) Submission

The non-Federal interest may submit to the Secretary a request that the Secretary initiate the analyses, reviews, and compliance processes described in paragraph (2)(B) with respect to the proposed project prior to the non-Federal interest's submission of a feasibility study under subsection (a)(1).

(ii) Effect

Receipt by the Secretary of a request submitted under clause (i) shall be considered the receipt of a proposal or application that will lead to a major Federal action that is subject to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) that would be required if the Secretary were to undertake the feasibility study.

(B) Deadline

Not later than 10 days after the Secretary receives a request under this paragraph, the Secretary shall begin the required analyses, reviews, and compliance processes.

(4) Notification

Upon receipt of a request under paragraph (3), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the request and a timeline for completion of the required analyses, reviews, and compliance processes.

(5) Status updates

Not later than 30 days after receiving a request under paragraph (3), and every 30 days thereafter until the Secretary submits an assessment under subsection (c) for the applicable feasibility study, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the non-Federal interest of the status of the Secretary's required analyses, reviews, and compliance processes.

(c) Submission to Congress (1) Review and submission of studies to Congress

Not later than 180 days after the completion of review of a feasibility study under subsection (b), the Secretary shall submit to the Committee on Environment and

Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an assessment that describes—

(A) the results of the Secretary's review of the study under subsection (b), including a determination of whether the project is feasible;

(B) any recommendations the Secretary may have concerning the plan or design of the project; and

(C) any conditions the Secretary may require for construction of the project.

(2) Limitation

The completion of the review by the Secretary of a feasibility study that has been submitted under subsection (a)(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration.

(d) Credit

If a project for which a feasibility study has been submitted under subsection (a)(1) is authorized by a Federal law enacted after the date of the submission to Congress under subsection (c), the Secretary shall credit toward the non-Federal share of the cost of construction of the project an amount equal to the portion of the cost of developing the study that would have been the responsibility of the United States if the study had been developed by the Secretary.

(e) Review and technical assistance

(1) Review

The Secretary may accept and expend funds provided by non-Federal interests to undertake reviews, inspections, certifications, and other activities that are the responsibility of the Secretary in carrying out this section.

(2) Technical assistance

At the request of a non-Federal interest, the Secretary shall provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.

(3) Limitation

Funds provided by non-Federal interests under this subsection shall not be eligible for credit under subsection (d) or reimbursement.

(4) Impartial decisionmaking

In carrying out this section, the Secretary shall ensure that the use of funds accepted from a non-Federal interest will not affect the impartial decisionmaking of the Secretary, either substantively or procedurally.

(5) Savings provision

The provision of technical assistance by the Secretary under paragraph (2)—

(A) shall not be considered to be an approval or endorsement of the feasibility study; and

(B) shall not affect the responsibilities of the Secretary under subsections (b) and (c).

Source Credit

(Pub. L. 99–662, title II, §203, Nov. 17, 1986, 100 Stat. 4098; Pub. L. 113–121, title I, §1014(a), June 10, 2014, 128 Stat. 1219; Pub. L. 114–322, title I, §1126, Dec. 16, 2016, 130 Stat. 1648; Pub. L. 115–270, title I, §1152, Oct. 23, 2018, 132 Stat. 3788; Pub. L. 116–260, div. AA, title I, §161(a), Dec. 27, 2020, 134 Stat. 2665.)

References

References in Text

The National Environmental Policy Act of 1969, referred to in subsec. (b)(2)(B), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Amendments

Amendments

2020—Subsec. (a)(1). Pub. L. 116–260, §161(a)(1)(A), inserted ", or, upon the written approval of the Secretary that the modifications are consistent with the authorized purposes of the project, undertake a feasibility study on modifications to a water resources development project constructed by the Corps of Engineers," after "water resources development project".

Subsec. (a)(2). Pub. L. 116–260, §161(a)(1)(B), substituted "for the formulation of feasibility studies of water resources development projects undertaken by non-Federal interests to—" for "for feasibility studies of water resources development projects to provide sufficient information for the formulation of the studies." and added subpars. (A) and (B).

Subsec. (b). Pub. L. 116–260, §161(a)(2), designated existing provisions as par. (1), inserted heading, and added pars. (2) to (5).

Subsec. (c)(1). Pub. L. 116–260, §161(a)(3), in introductory provisions, substituted "after the completion of review of a feasibility study under subsection (b)" for "after the date of receipt of a feasibility study of a project under subsection (a)(1)" and "an assessment" for "a report".

2018—Subsec. (a)(1). Pub. L. 115–270, §1152(1), inserted "federally authorized" before "feasibility study".
Subsec. (c). Pub. L. 115–270, §1152(2), amended subsec. (c) generally. Prior to amendment, text read as follows: "Not later than 180 days after the date of receipt of a feasibility study of a project under subsection (a)(1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

"(1) the results of the Secretary's review of the study under subsection (b), including a determination of whether the project is feasible;

"(2) any recommendations the Secretary may have concerning the plan or design of the project; and

"(3) any conditions the Secretary may require for construction of the project."

Subsec. (e). Pub. L. 115–270, §1152(3), amended subsec. (e) generally. Prior to amendment, text read as follows "At the request of a non-Federal interest, the Secretary may provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.".

2016—Subsec. (e). Pub. L. 114–322 added subsec. (e).
2014—Pub. L. 113–121 amended section generally. Prior to amendment, section related to studies of projects by non-Federal interests.

Miscellaneous

Short Title

For short title of title II of Pub. L. 99–662, enacting this subchapter, as the Harbor Development and Navigation Improvement Act of 1986, see section 215 of Pub. L. 99–662, set out as a note under section 2201 of this title.

Deadline

Pub. L. 116–260, div. AA, title I, §161(b), Dec. 27, 2020, 134 Stat. 2667, provided that: "Not later than 90 days after the date of enactment of this Act [Dec. 27, 2020], the Secretary [of the Army] shall issue revised guidelines under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) to implement the amendments made by this section [amending this section]."

Hold Harmless

Pub. L. 116–260, div. AA, title I, §161(c), Dec. 27, 2020, 134 Stat. 2667, provided that: "(1) One-year window.—The amendments made by this section [amending this section] shall not apply to any feasibility study submitted to the Secretary [of the Army] under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) during the one-year period prior to the date of enactment of this section [Dec. 27, 2020].

"(2) 2020 projects.—The amendments made by this section shall not apply to any project authorized by section 403 of this Act [section 403 of div. AA of Pub. L. 116–260, 134 Stat. 2743, which is not classified to the Code]."

(2) ANNUAL PASS.—The evaluation under paragraph (1) shall include the establishment on a test basis of an annual pass that costs $10 or less for the use of recreation facilities, including facilities at Raystown Lake, Pennsylvania.

(3) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the evaluation carried out under this subsection, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

(4) EXPIRATION OF AUTHORITY.—The authority to establish an annual pass under paragraph (2) shall expire on the later of December 31, 1999, or the date of transmittal of the report under paragraph (3).

SEC. 209. RECOVERY OF COSTS.

42 USC 9607 note.

Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Department of the Army and any other amounts recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Department of the Army for any expenditure for environmental response activities in support of the Army civil works program shall be credited to the appropriate trust fund account from which the cost of such response action has been paid or will be charged.

SEC. 210. COST SHARING FOR ENVIRONMENTAL PROJECTS.

(a) IN GENERAL.—Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c); 100 Stat. 4085) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) environmental protection and restoration: 35 percent; except that nothing in this paragraph shall affect or limit the applicability of section 906.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply only to projects authorized after the date of the enactment of this Act.

33 USC 2213 note.

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

33 USC 701b–13.

(a) AUTHORITY.—Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) STUDIES AND DESIGN ACTIVITIES.—

(1) BY NON-FEDERAL INTERESTS.—A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and design documents for any construction to be undertaken pursuant to subsection (a).

(2) BY SECRETARY.—Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and design activities for any construction to be undertaken pursuant to subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to provide to the United States funds for the studies and design

activities during the period in which the studies and design activities will be conducted.

(c) COMPLETION OF STUDIES AND DESIGN ACTIVITIES.—In the case of any study or design documents for a flood control project that were initiated before the date of the enactment of this Act, the Secretary may complete and transmit to the appropriate non-Federal interests the study or design documents or, upon the request of such non-Federal interests, terminate the study or design activities and transmit the partially completed study or design documents to such non-Federal interests for completion. Studies and design documents subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) AUTHORITY TO CARRY OUT IMPROVEMENT.—

(1) IN GENERAL.—Any non-Federal interest that has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a flood control project, or separable element of a flood control project, based on the results of completed studies and design documents for the project or element may carry out the project or element if a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been filed for the project or element.

(2) PERMITS.—Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority. Such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) MONITORING.—The Secretary shall monitor any project for which a permit is granted under this subsection in order to ensure that such project is constructed, operated, and maintained in accordance with the terms and conditions of such permit.

(e) REIMBURSEMENT.—

(1) GENERAL RULE.—Subject to appropriations Acts, the Secretary may reimburse any non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element of a flood control project, constructed pursuant to this section—

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest; and

(B) if the Secretary finds, after a review of studies and design documents prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) SPECIAL RULES.—

(A) REIMBURSEMENT.—For work (including work associated with studies, planning, design, and construction) carried out by a non-Federal interest with respect to a project described in subsection (f), the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse, without interest, the non-Federal

interest an amount equal to the estimated Federal share of the cost of such work if such work is later recommended by the Chief of Engineers and approved by the Secretary.

(B) CREDIT.—If the non-Federal interest for a project described in subsection (f) carries out work before completion of a reconnaissance study by the Secretary and if such work is determined by the Secretary to be compatible with the project later recommended by the Secretary, the Secretary shall credit the non-Federal interest for its share of the cost of the project for such work.

(3) MATTERS TO BE CONSIDERED IN REVIEWING PLANS.—In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary considers appropriate.

(4) MONITORING.—The Secretary shall regularly monitor and audit any project for flood control approved for construction under this section by a non-Federal interest to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(5) LIMITATION ON REIMBURSEMENTS.—The Secretary may not make any reimbursement under this section until the Secretary determines that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(f) SPECIFIC PROJECTS.—For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) BERRYESSA CREEK, CALIFORNIA.—The Berryessa Creek element of the project for flood control, Coyote and Berryessa Creeks, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1990 (104 Stat. 4606); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(2) LOS ANGELES COUNTY DRAINAGE AREA, CALIFORNIA.—The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611).

(3) STOCKTON METROPOLITAN AREA, CALIFORNIA.—The project for flood control, Stockton Metropolitan Area, California.

(4) UPPER GUADALUPE RIVER, CALIFORNIA.—The project for flood control, Upper Guadalupe River, California.

(5) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803).

(6) BRAYS BAYOU, TEXAS.—Flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to the diversion component of such element.

(7) HUNTING BAYOU, TEXAS.—The Hunting Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by such section; except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(8) WHITE OAK BAYOU, TEXAS.—The project for flood control, White Oak Bayou watershed, Texas.

(g) TREATMENT OF FLOOD DAMAGE PREVENTION MEASURES.—For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized separable element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

33 USC 2313a.

SEC. 212. ENGINEERING AND ENVIRONMENTAL INNOVATIONS OF NATIONAL SIGNIFICANCE.

(a) SURVEYS, PLANS, AND STUDIES.—To encourage innovative and environmentally sound engineering solutions and innovative environmental solutions to problems of national significance, the Secretary may undertake surveys, plans, and studies and prepare reports that may lead to work under existing civil works authorities or to recommendations for authorizations.

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1997 through 2000.

(2) FUNDING FROM OTHER SOURCES.—The Secretary may accept and expend additional funds from other Federal agencies, States, or non-Federal entities for purposes of carrying out this section.

33 USC 576b.

SEC. 213. LEASE AUTHORITY.

Notwithstanding any other provision of law, the Secretary may lease space available in buildings for which funding for construction or purchase was provided from the revolving fund established by the 1st section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576; 67 Stat. 199), under such terms and conditions as are acceptable to the Secretary. The proceeds from such leases shall be credited to the revolving fund for the purposes set forth in such Act.

SEC. 214. COLLABORATIVE RESEARCH AND DEVELOPMENT.

(a) FUNDING FROM OTHER FEDERAL SOURCES.—Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313; 102 Stat. 4022–4023) is amended—

(1) in subsection (a) by inserting "civil works" before "mission"; and

(2) by striking subsection (e) and inserting the following:

"(e) FUNDING FROM OTHER FEDERAL SOURCES.—The Secretary may accept and expend additional funds from other Federal programs, including other Department of Defense programs, to carry out this section.".

(b) PRE-AGREEMENT TEMPORARY PROTECTION OF TECHNOLOGY.—Section 7 of such Act is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following:

CECW-AA 9 Dec 1997

MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS AND DISTRICT COMMANDS

SUBJECT: Policy Guidance Letter No. 53 - Implementation of Section 211 of the Water Resources Development Act of 1996

1. **Purpose.** This memorandum provides policy guidance on Section 211 of the Water Resources Development Act (WRDA 96) of 1996, "Construction of Flood Control Projects by Non-Federal Interests." A copy of the Act language is enclosed for your information. Detailed guidance will be forthcoming in an Engineering Regulation (ER).

2. **Background.** Section 211 of WRDA 96 provides authority for non-Federal sponsors to undertake the design and construction of federally authorized flood control projects without Federal funding and to be eligible to be reimbursed an amount equal to the estimate of the Federal share, without interest (or inflation), of the design and construction cost of the project or separable element thereof. The Energy and Water Development Appropriations Act, 1998, provided additional guidance on the section 211 regarding notification of the Committees on Appropriations of the House and Senate and on scheduling of reimbursements.

3. **Applicability.** This guidance applies to all HQUSACE elements and major subordinate commands of the U.S. Army Corps of Engineers. Only projects or separable elements of projects which have been specifically authorized by Congress will be considered eligible for reimbursement under this provision. Reimbursement of non-Federal sponsor work under section 211 (e) will not be considered for the Continuing Authorities Program projects.

4. **Policy.**

a. General: It is Corps policy that reimbursement for the construction of any authorized flood control project undertaken by a non-Federal sponsor pursuant to section 211 is contingent upon approval by the Secretary of the plans for construction and the Secretary's determination, after a review of studies and design documents, that the project or separable element thereof, is economically justified and environmentally acceptable. This approval must be obtained after project authorization and prior to the initiation of construction of the work for which the reimbursement request will be made. Further, prior to initiating negotiations for a reimbursement agreement for the construction of any authorized project pursuant to Section 211 of WRDA 96, the Secretary of the Army must notify the Committees on Appropriations of the

House and the Senate. This notification must include the estimated total commitment and the reimbursement requirements that the Administration intends to support in future budget submissions. Budgetary and programmatic priorities will be taken into account when reviewing plans submitted by non-Federal sponsors.

All projects pursued under the authority of section 211 must be planned, designed and constructed in accord with appropriate Federal laws and criteria, standards and policies, including the appropriate National Environmental Policy Act (NEPA) documentation, and construction must comply with all applicable Federal and State laws and regulations. The non-Federal sponsor will normally be required to develop the design, engineering plans and specifications for the construction it proposes to undertake. In addition, the non-Federal sponsor must conduct NEPA investigations, prepare appropriate NEPA documents, conduct all public and agency coordination, and obtain all necessary Federal and State permits. The Corps may undertake these efforts if funds are provided by the non-Federal sponsor and if such work does not delay the completion of other Corps assignments. Further, funds for activities undertaken by the Corps district offices which are necessary for the successful completion of a section 211 project or separable element, thereof, and construction of the sponsor proposed work including, but not limited to, design, review of project economics, environmental assessments, determination of lands, easements, rights-of -way and suitable borrow and dredged or excavated material disposal areas (LERRD's) requirements, auditing, permit evaluations, and inspections, must also be provided by the non-Federal sponsor.

The non-Federal sponsor must provide all LERRD's and shall perform or ensure performance of all relocations that the Corps determines are required for the construction, operation and maintenance of the project. The value of LERRD's provided by the non-Federal sponsor that are required for the project will be determined in accordance with standard valuation procedures as contained in the model Project Cooperation Agreement (PCA) for structural flood control projects. In addition, the non-Federal sponsor will be responsible for the operation, maintenance, repair, replacement and rehabilitation of the project in accordance with regulations or directions prescribed by the Corps and shall perform all other items of sponsor cooperation required by the project authorization.

In the development of a section 211 agreement, the normal procedures for processing and reviewing a PCA will be used. The decision document approved by the Secretary must be included as support for the section 211 agreement. Negotiations for proceeding with a project under section 211 are to be accomplished at the district level once approval to initiate the negotiations has been received.

b. Reimbursement pursuant to Section 211 (e) (1): Reimbursements pursuant to section 211 (e) (1) cannot occur until the flood control project, or separable element thereof,

has been constructed. Reimbursements are subject to appropriations Acts. Any eligible reimbursable Federal share of costs associated with studies or design efforts conducted by non-Federal sponsors after authorization and prior to construction will be included in the final auditing of the total project costs upon completion of the construction of a project or separable element thereof. Any reimbursement desired by a non-Federal sponsor for studies or design it accomplished prior to authorization must be specifically identified and requested in the authorizing document.

c. Reimbursement pursuant to Section 211 (e) (2) (A) (Specifically named projects): Reimbursement for those projects listed in section 211 (f) will be in accordance with section 211 (e) (2) (A). These special reimbursement rules expand the definition of the work for which the non-Federal sponsor will be reimbursed to include studies, planning, design and construction if such work is later recommended by the Chief of Engineers and approved by the Secretary. In addition, for the section 211 (f) projects, a non-Federal sponsor will be credited for the Federal share of any work carried out before completion of a reconnaissance study if such work is determined to be compatible with the project later recommended for construction. As required by section 211 (e) (2) (A) the reimbursement must be contained *in* (emphasis added) an Appropriations Act; that is, the reimbursement must be earmarked in law. Any eligible reimbursable Federal share of costs associated with studies, planning or design efforts will be included in the final auditing of the total project costs upon completion of the construction of a project or separable element thereof.

For the specifically named projects, consideration will be given to reimbursement on an incremental basis; that is, reimbursement will be recommended upon completion of the construction of a discrete segment of an economically justified and environmentally acceptable project or separable element, thereof, provided that the non-Federal sponsor has entered into a binding agreement with the Secretary and has committed to the construction of the total project or separable element thereof. A discrete segment is defined as a physical portion of the project, as described in design documents, that is environmentally acceptable, is complete, will not create a hazard, and functions independently so that the non-Federal sponsor can operate and maintain it in advance of completion of the total project or separable element thereof. Reimbursements will not be made unless and until the Secretary has determined that the construction for which reimbursement is requested is complete, is consistent with the authorization of the project and its overall economic justification, and has been performed in accordance with applicable permits and approved plans. Further, the agreement must contain a provision which will require the non-Federal sponsor to remit previously received reimbursements in the event that the non-Federal sponsor fails to complete the entire project or separable element thereof.

d. Reimbursement for Flood Damage Prevention Measures at Morgan City and Berwick, Louisiana (Section 211(g)): Section 211 (g) of WRDA 96 provides that, for the purposes of section 211, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized separable element of the Lower Atchafalaya Basin feature of the project for Flood Control, Mississippi River and Tributaries.

As such, this separable element may be designed and constructed by the non-Federal sponsor and considered for reimbursement subject to the law and to the policies established under section 211 (e) (1) as discussed in paragraph 4b, above.

5. **Implementation.** This guidance is effective immediately. Detailed guidance will be issued in an ER. In the event non-Federal sponsors wish to pursue construction of an authorized flood control project using section 211 prior to the issuance of the ER, the division program manager must contact HQUSACE, ATTN: CECW-AA.

FOR THE COMMANDER:

/s/

Encl

RUSSELL L. FUHRMAN
Major General, USA
Director of Civil Works

SEC. 211. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) Authority.--Non-Federal interests are authorized to undertake flood control projects in the United States, subject to obtaining any permits required pursuant to Federal and State laws in advance of actual construction.

(b) Studies and Design Activities.--

(1) By non-federal interests.--A non-Federal interest may prepare, for review and approval by the Secretary, the necessary studies and design documents for any construction to be undertaken pursuant to subsection (a).

(2) By secretary.--Upon request of an appropriate non-Federal interest, the Secretary may undertake all necessary studies and design activities for any construction to be undertaken pursuant to subsection (a) and provide technical assistance in obtaining all necessary permits for such construction if the non-Federal interest contracts with the Secretary to provide to the United States funds for the studies and design activities during the period in which the studies and design activities will be conducted.

(c) Completion of Studies and Design Activities.--In the case of any study or design documents for a flood control project that were initiated before the date of the enactment of this Act, the Secretary may complete and transmit to the appropriate non-Federal interests the study or design documents or, upon the request of such non-Federal interests, terminate the study or design activities and transmit the partially completed study or design documents to such non-Federal interests for completion. Studies and design documents subject to this subsection shall be completed without regard to the requirements of subsection (b).

(d) Authority To Carry Out Improvement.--

(1) In general.--Any non-Federal interest that has received from the Secretary pursuant to subsection (b) or (c) a favorable recommendation to carry out a flood control project, or separable element of a flood control project, based on the results of completed studies and design documents for the project or element may carry out the project or element if a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been filed for the project or element.

(2) Permits.--Any plan of improvement proposed to be implemented in accordance with this subsection shall be deemed to satisfy the requirements for obtaining the appropriate permits required under the Secretary's authority. Such permits shall be granted subject to the non-Federal interest's acceptance of the terms and conditions of such permits if the Secretary determines that the applicable regulatory criteria and procedures have been satisfied.

(3) Monitoring.--The Secretary shall monitor any project for which a permit is granted under this subsection in order to ensure that such project is constructed, operated, and maintained in accordance with the terms and conditions of such permit.

(e) Reimbursement.--

(1) General rule.--Subject to appropriations Acts, the Secretary may reimburse any

Enclosure

non-Federal interest an amount equal to the estimate of the Federal share, without interest, of the cost of any authorized flood control project, or separable element of a flood control project, constructed pursuant to this section--

(A) if, after authorization and before initiation of construction of the project or separable element, the Secretary approves the plans for construction of such project by the non-Federal interest; and

(B) if the Secretary finds, after a review of studies and design documents prepared pursuant to this section, that construction of the project or separable element is economically justified and environmentally acceptable.

(2) Special rules.--

(A) Reimbursement.--For work (including work associated with studies, planning, design, and construction) carried out by a non-Federal interest with respect to a project described in subsection (f), the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse, without interest, the non-Federal interest an amount equal to the estimated Federal share of the cost of such work if such work is later recommended by the Chief of Engineers and approved by the Secretary.

(B) Credit.--If the non-Federal interest for a project described in subsection (f) carries out work before completion of a reconnaissance study by the Secretary and if such work is determined by the Secretary to be compatible with the project later recommended by the Secretary, the Secretary shall credit the non-Federal interest for its share of the cost of the project for such work.

(3) Matters to be considered in reviewing plans.--In reviewing plans under this subsection, the Secretary shall consider budgetary and programmatic priorities and other factors that the Secretary considers appropriate.

(4) Monitoring.--The Secretary shall regularly monitor and audit any project for flood control approved for construction under this section by a non-Federal interest to ensure that such construction is in compliance with the plans approved by the Secretary and that the costs are reasonable.

(5) Limitation on reimbursements.--The Secretary may not make any reimbursement under this section until the Secretary determines that the work for which reimbursement is requested has been performed in accordance with applicable permits and approved plans.

(f) Specific Projects.--For the purpose of demonstrating the potential advantages and effectiveness of non-Federal implementation of flood control projects, the Secretary shall enter into agreements pursuant to this section with non-Federal interests for development of the following flood control projects by such interests:

(1) Berryessa Creek, California.--The Berryessa Creek element of the project for flood control, Coyote and Berryessa Creeks, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1990 (104 Stat. 4606); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(2) Los Angeles County Drainage Area, California.--The project for flood control, Los Angeles County Drainage Area, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (104 Stat. 4611).

(3) Stockton Metropolitan Area, California.--The project for flood control, Stockton Metropolitan Area, California.

(4) Upper Guadalupe River, California.--The project for flood control, Upper Guadalupe River, California.

(5) Flamingo and Tropicana Washes, Nevada.--The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803).

(6) Brays Bayou, Texas.--Flood control components comprising the Brays Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610); except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to the diversion component of such element.

(7) Hunting Bayou, Texas.--The Hunting Bayou element of the project for flood control, Buffalo Bayou and Tributaries, Texas, authorized by such section; except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such element.

(8) White Oak Bayou, Texas.--The project for flood control, White Oak Bayou watershed, Texas.

(g) Treatment of Flood Damage Prevention Measures.--For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized separable element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

1962d–5b), any portion of the non-Federal share of the cost of the project in the form of in-kind services and materials.

SEC. 3103. JACKSON COUNTY, MISSISSIPPI.

(a) MODIFICATION.—Section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) is amended by striking "$5,000,000" and inserting "$9,000,000".

(b) APPLICABILITY OF CREDIT.—The credit provided by section 331 of the Water Resources Development Act of 1999 (113 Stat. 305) (as amended by subsection (a) of this section) shall apply to costs incurred by the Jackson County Board of Supervisors during the period beginning on February 8, 1994, and ending on the date of enactment of this Act for projects authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 1494).

SEC. 3104. PEARL RIVER BASIN, MISSISSIPPI.

(a) IN GENERAL.—The project for flood damage reduction, Pearl River Basin, including Shoccoe, Mississippi, authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (100 Stat. 4132), is modified to authorize the Secretary, subject to subsection (c), to construct the project generally in accordance with the plan described in the "Pearl River Watershed, Mississippi, Feasibility Study Main Report, Preliminary Draft", dated February 2007, at a total cost of $205,800,000, with an estimated Federal cost of $133,770,000 and an estimated non-Federal cost of $72,030,000.

(b) COMPARISON OF ALTERNATIVES.—Before initiating construction of the project, the Secretary shall compare the level of flood damage reduction provided by the plan that maximizes national economic development benefits of the project and the locally preferred plan, referred to as the LeFleur Lakes plan, to that portion of Jackson, Mississippi and vicinity, located below the Ross Barnett Reservoir Dam.

(c) IMPLEMENTATION OF PLAN.—

(1) IN GENERAL.—If the Secretary determines under subsection (b) that the locally preferred plan provides a level of flood damage reduction that is equal to or greater than the level of flood damage reduction provided by the national economic development plan and that the locally preferred plan is environmentally acceptable and technically feasible, the Secretary may construct the project identified as the national economic development plan, or the locally preferred plan, or some combination thereof.

(2) CONSTRUCTION BY NON-FEDERAL INTERESTS.—The non-Federal interest may carry out the project under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13).

(d) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) if the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(e) NON-FEDERAL COST SHARE.—If the locally preferred plan is selected for construction of the project, the Federal share of the cost of the project shall be limited to the share as provided

by law for the elements of the national economic development plan.

SEC. 3105. FESTUS AND CRYSTAL CITY, MISSOURI.

Section 102(b)(1) of the Water Resources Development Act of 1999 (113 Stat. 282) is amended by striking "$10,000,000" and inserting "$13,000,000".

SEC. 3106. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3107. MONARCH-CHESTERFIELD, MISSOURI.

The project for flood damage reduction, Monarch-Chesterfield, Missouri, authorized by section 101(b)(18) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of the planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3108. RIVER DES PERES, MISSOURI.

The projects for flood control, River Des Peres, Missouri, authorized by section 101(a)(17) of the Water Resources Development Act of 1990 (104 Stat. 4607) and section 102(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), are each modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

SEC. 3109. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3110. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term "restoration project" means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

CECW-P

12 MAY 2008

MEMORANDUM FOR COMMANDER, Mississippi Valley Division (CEMVD-PD)

SUBJECT: Implementation Guidance for Section 3104 of the Water Resources Development Act (WRDA) of 2007 – PEARL RIVER BASIN, MISSISSIPPI

1. Section 3104 of WRDA 2007 modifies the Pearl River Basin project authorized by Section 401(e)(3) of WRDA 1986 to authorize the Secretary to implement a flood damage reduction project at a total cost of $205,800,000, with an estimated Federal cost of $133,770,000 and an estimated non-Federal cost of $72,030,000. Further, section 3104 provides that the Secretary may construct the national economic development (NED) plan, the locally preferred plan (LPP) or some combination thereof, subject to a determination by the Secretary that the LPP provides the same level of flood protection as the NED plan and that the LPP is environmentally acceptable and technically feasible. A copy of section 3104 is enclosed for your information.

2. At such time that funds are appropriated, a decision document should be prepared in accordance with ER 1105-2-100 that identifies the NED plan as well as any LPP, determines whether the LPP is environmentally acceptable and technically feasible and compares the level of flood damage reduction provided by the LPP to that provided by the NED plan. The report shall also document all features that would not produce NED benefits greater than costs in accordance with Section 903 (c) of WRDA 86 although use of this provision is not permitted under current Corps policy. In the event the LPP is recommended for construction, the Federal share of the cost of the project will be limited to the Federal share of the NED plan in accordance with the cost sharing provisions of WRDA 1986, as amended. Subject to approval by the Secretary and congressional notification, the non-Federal sponsor may carry out the project under Section 211 of WRDA 86 in accordance with Policy Guidance Letter No. 53.

3. No work shall be undertaken to implement this provision until funds are appropriated for such work.

FOR THE COMMANDER:

Theodore A. Brown

Encl

THEODORE A. BROWN, P.E.
Acting Chief, Planning and Policy Division
Directorate of Civil Works

3104. PEARL RIVER BASIN, MISSISSIPPI

(a) In General- The project for flood damage reduction, Pearl River Basin, including Shoccoe, Mississippi, authorized by section 401(e)(3) of the Water Resources Development Act of 1986 (100 Stat. 4132), is modified to authorize the Secretary, subject to subsection (c), to construct the project generally in accordance with the plan described in the `Pearl River Watershed, Mississippi, Feasibility Study Main Report, Preliminary Draft', dated February 2007, at a total cost of $205,800,000, with an estimated Federal cost of $133,770,000 and an estimated non-Federal cost of $72,030,000.

(b) Comparison of Alternatives- Before initiating construction of the project, the Secretary shall compare the level of flood damage reduction provided by the plan that maximizes national economic development benefits of the project and the locally preferred plan, referred to as the LeFleur Lakes plan, to that portion of Jackson, Mississippi and vicinity, located below the Ross Barnett Reservoir Dam.

(c) Implementation of Plan-

(1) IN GENERAL- If the Secretary determines under subsection (b) that the locally preferred plan provides a level of flood damage reduction that is equal to or greater than the level of flood damage reduction provided by the national economic development plan and that the locally preferred plan is environmentally acceptable and technically feasible, the Secretary may construct the project identified as the national economic development plan, or the locally preferred plan, or some combination thereof.

(2) CONSTRUCTION BY NON-FEDERAL INTERESTS- The non-Federal interest may carry out the project under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13).

(d) Project Financing- In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) if the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(e) Non-Federal Cost Share- If the locally preferred plan is selected for construction of the project, the Federal share of the cost of the project shall be limited to the share as provided by law for the elements of the national economic development plan.

(1) ELIGIBLE PROPERTY OWNER.—The term "eligible property owner" means the owner of a property—

(A)(i) described in Scenario A, B, C, or D in the Plan; or

(ii) that consists of vacant land located above 534 feet mean sea level that is encumbered by a Rough River Lake flowage easement; and

(B) for which the Rough River Lake flowage easement is not required to address backwater effects.

(2) PLAN.—The term "Plan" means the Rough River Lake Flowage Easement Encroachment Resolution Plan of the Corps of Engineers, dated January 2017.

(b) PROHIBITION ON ASSESSING ADMINISTRATIVE FEES.—Notwithstanding any other provision of law, in carrying out the Plan, the Secretary may not impose on or collect from any eligible property owner any administrative fee, including—

(1) a fee to pay the costs to the Corps of Engineers of processing requests to resolve encroachments under the Plan;

(2) fees for deed drafting and surveying; and

(3) any other administrative cost incurred by the Corps of Engineers in implementing the Plan.

(c) REFUND OF ADMINISTRATIVE FEES.—In the case of an eligible property owner who has paid any administrative fees described in paragraphs (1) through (3) of subsection (b) to the Corps of Engineers, the Corps of Engineers shall refund those fees on request of the eligible property owner.

(d) SAVINGS PROVISION.—Nothing in this section affects the responsibility or authority of the Secretary to continue carrying out the Plan, including any work necessary to extinguish the flowage easement of the United States with respect to the property of any eligible property owner.

SEC. 1176. PRECONSTRUCTION ENGINEERING DESIGN DEMONSTRATION PROGRAM.

(a) DEFINITION OF ENVIRONMENTAL IMPACT STATEMENT.—In this section, the term "environmental impact statement" means the detailed written statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DEMONSTRATION PROGRAM.—The Secretary shall establish a demonstration program to allow a project authorized to execute pursuant to section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (128 Stat. 1193)) to begin preconstruction engineering and design on a determination by the Secretary that the project is technically feasible, economically justified, and environmentally acceptable.

(c) REQUIREMENTS.—For each project authorized to begin preconstruction engineering and design under subsection (b)—

(1) the project shall conform to the feasibility study and the environmental impact statement approved by the Secretary; and

(2) the Secretary and the non-Federal sponsor shall jointly agree to the construction design of the project.

(d) SECRETARY REVIEW OF POTENTIAL ADVERSE IMPACTS.—When reviewing the feasibility study and the environmental impact

statement for a project under subsection (b), the Secretary shall follow current USACE Policy, Regulations, and Guidance, to assess potential adverse downstream impacts to the Pearl River Basin. Upon completion of the Secretary's determination under subsection (b), the non-Federal sponsor shall design the project in a manner that addresses any potential adverse impacts or that provides mitigation in accordance with section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) SUNSET.—The authority to carry out the demonstration program under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

(f) SAVINGS PROVISION.—Nothing in this section supersedes, precludes, or affects any applicable requirements for a project under subsection (b) under—

(1) section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283); or

(2) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Subtitle B—Studies and Reports

SEC. 1201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled "Report to Congress on Future Water Resources Development" submitted to Congress on March 17, 2017, and February 5, 2018, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) CAVE BUTTES DAM, ARIZONA.—Project for flood risk management, Phoenix, Arizona.

(2) SAN DIEGO RIVER, CALIFORNIA.—Project for flood risk management, navigation, and ecosystem restoration, San Diego, California.

(3) J. BENNETT JOHNSTON WATERWAY, LOUISIANA.—Project for navigation, J. Bennett Johnston Waterway, Louisiana.

(4) NORTHSHORE, LOUISIANA.—Project for flood risk management, St. Tammany Parish, Louisiana.

(5) OUACHITA-BLACK RIVERS, LOUISIANA.—Project for navigation, Little River, Louisiana.

(6) CHAUTAUQUA LAKE, NEW YORK.—Project for ecosystem restoration and flood risk management, Chautauqua, New York.

(7) TRINITY RIVER AND TRIBUTARIES, TEXAS.—Project for navigation, Liberty, Texas.

(8) WEST CELL LEVEE, TEXAS.—Project for flood risk management, Irving, Texas.

(9) COASTAL VIRGINIA, VIRGINIA.—Project for flood risk management, ecosystem restoration, and navigation, Coastal Virginia.

(10) TANGIER ISLAND, VIRGINIA.—Project for flood risk management and ecosystem restoration, Tangier Island, Virginia.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-P

APR 17 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Implementation Guidance for Section 1176 of the Water Resources Development Act (WRDA) of 2018, Preconstruction Engineering Design Demonstration Program

1. The Assistant Secretary of the Army, Civil Works approved on 12 April 2019 Section 1176 of WRDA 2018. The attached implementation guidance is posted for internal and external use on the U.S. Army Corps of Engineers official WRDA website: http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/.

2. Please ensure wide dissemination of this guidance. Questions regarding this implementation guidance should be directed to the Headquarters POC, Ada Benavides, Senior Policy Advisor, Planning and Policy Division, at (202) 761-0415 or ada.benavides@usace.army.mil.

JAMES C. DALTON, P.E.
Director of Civil Works

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SOUTHWESTERN DIVISION, CESWD

DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY OF THE ARMY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

APR 12 2019

MEMORANDUM FOR THE COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Implementation Guidance for Section 1176 of the Water Resources Development Act of 2018, Preconstruction Engineering Design Demonstration Program

1. Reference.
Implementation Guidance for Section 3104 of the Water Resources Development Act of 2007 (WRDA 2007) – Pearl River Basin, Mississippi, dated May 12, 2008

2. Section 1176 of the Water Resources Development Act of 2018 directs the Secretary to allow a project previously authorized to execute under Section 211 of the Water Resources Development Act of 1996, as in effect on the day before the date of enactment of the Water Resources, Reform and Development Act of 2014, to begin Preconstruction Engineering and Design (PED) after a determination by the Secretary that the project is technically feasible, economically justified, and environmentally acceptable. Section 1176 is enclosed.

3. Section 1176 only applies to the project authorized under Section 3104 of the WRDA 2007, Pearl River Basin, Mississippi. Existing authorities will be used to conduct the review of the Pearl River project. The Secretary will review and determine whether the project is technically feasible, economically justified, and environmentally acceptable, will be consistent applicable policies, regulations, and federal laws. When reviewing the feasibility study and the environmental impact statement for the Pearl River project, the Assistant Secretary of the Army for Civil Works (ASA(CW)) will assess potential adverse downstream impacts to the Pearl River Basin resulting from the project.

4. If the ASA(CW) determines that the project is technically feasible, economically justified, and environmentally acceptable, the project will be eligible to compete for PED funding following the traditional U.S. Army Civil Works annual budget development guidance.

5. The construction design of the project undertaken with PED funding must conform to the project described in the feasibility report and environmental impact statement. Upon completion of design by the Vicksburg District Commander, the Commander shall obtain the non-Federal sponsor's concurrence of the construction design of the project. Within 30 days of completing the design and obtaining the non-Federal sponsors

concurrence the District Commander, through the Major Subordinate Command Commander will provide the document to the Director of Civil Works for review. The Director of Civil Works will review and transmit the report and a recommendation to the ASA(CW) for review and action within 30 days of receipt of the report from the MSC Commander.

6. The Section 1176 authority terminates on 23 October 2023. Notwithstanding the Section 1176 authority, subject to the ASA(CW) making the necessary determinations, the Pearl River project can move into PED and construction under Section 3104 of WRDA 2007.

7. This guidance shall be transmitted to the appropriate Corps Division and District Commanders and posted to the Corps' WRDA website within five business days of receipt (written or electronic) from this office. Guidance shall be transmitted and posted as is and without additional guidance attached.

8. Questions regarding this implementation guidance should be directed to Gib Owen, Office of the Assistant Secretary of the Army for Civil Works at gib.a.owen.civ@mail.mil or 703 695 4641.

Enclosure

R. D. JAMES
Assistant Secretary of the Army
(Civil Works)

cf: MG Scott Spellmon, Deputy Commanding General, Civil and Emergency Operations
James Dalton, Director of Civil Works

Water Resources Development Act of 2018, Section 1176 - Preconstruction Engineering Design Demonstration Program

a) DEFINITION OF ENVIRONMENTAL IMPACT STATEMENT.
In this section, the term "environmental impact statement" means the detailed written statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DEMONSTRATION PROGRAM. The Secretary shall establish a demonstration program to allow a project authorized to execute pursuant to section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) (as in effect on the day before the date of enactment of the Water Resources Reform and Development Act of 2014 (128 Stat. 1193)) to begin preconstruction engineering and design on a determination by the Secretary that the project is technically feasible, economically justified, and environmentally acceptable.

(c) REQUIREMENTS. For each project authorized to begin preconstruction engineering and design under subsection (b)

(1) the project shall conform to the feasibility study and the environmental impact statement approved by the Secretary; and

(2) the Secretary and the non-Federal sponsor shall jointly agree to the construction design of the project.

(d) SECRETARY REVIEW OF POTENTIAL ADVERSE IMPACTS. When reviewing the feasibility study and the environmental impact statement for a project under subsection (b), the Secretary shall follow current USACE Policy, Regulations, and Guidance, to assess potential adverse downstream impacts to the Pearl River Basin. Upon completion of the Secretary's determination under subsection (b), the non-Federal sponsor shall design the project in a manner that addresses any potential adverse impacts or that provides mitigation in accordance with section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

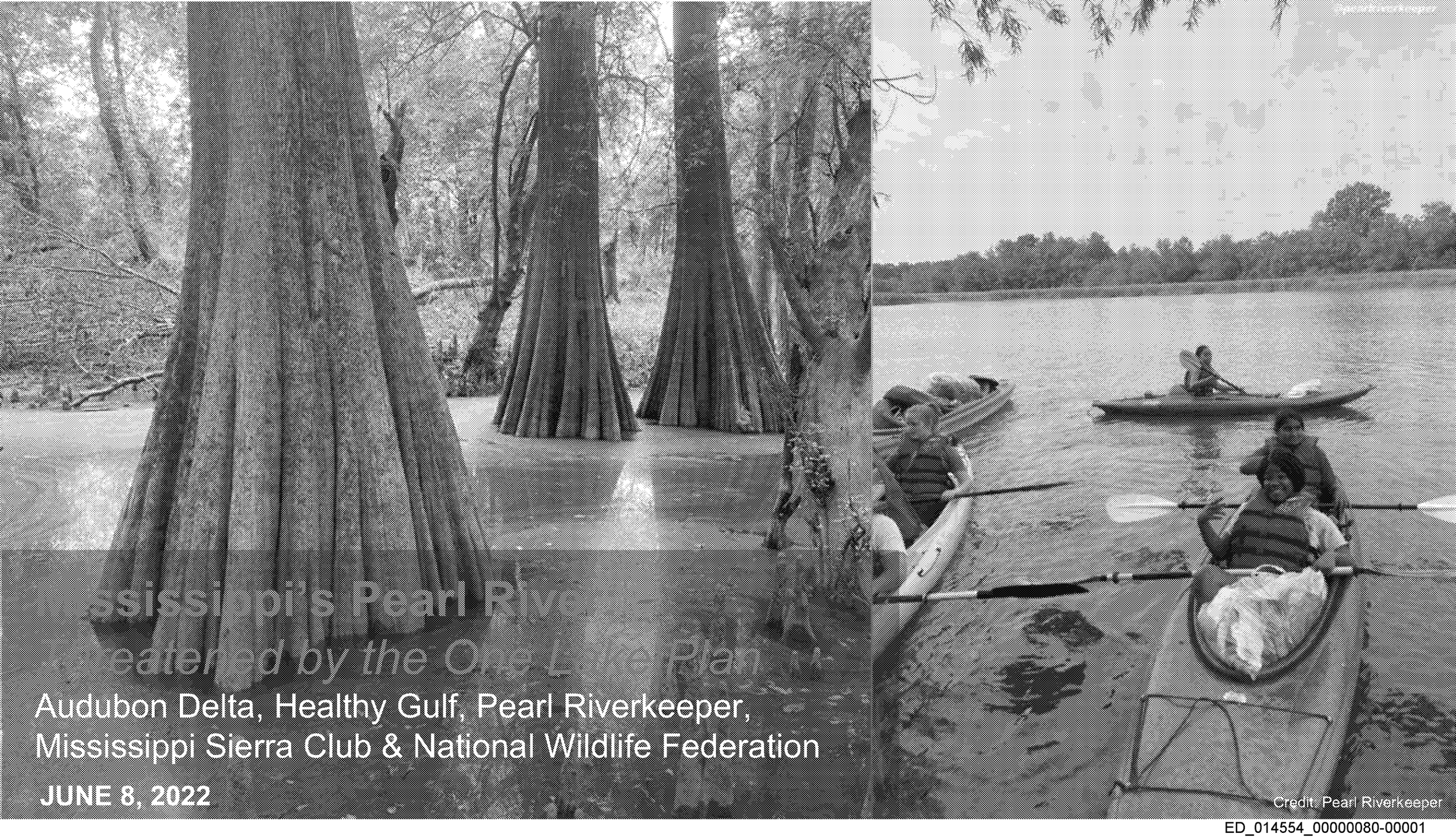
(e) SUNSET. The authority to carry out the demonstration program under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

(f) SAVINGS PROVISION. Nothing in this section supersedes, precludes, or affects any applicable requirements for a project under subsection (b) under

(1) section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283); or

(2) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Enclosure



Mississippi's Pearl River Watershed by the Corps of Engineers

Audubon Delta, Healthy Gulf, Pearl Riverkeeper,
Mississippi Sierra Club & National Wildlife Federation

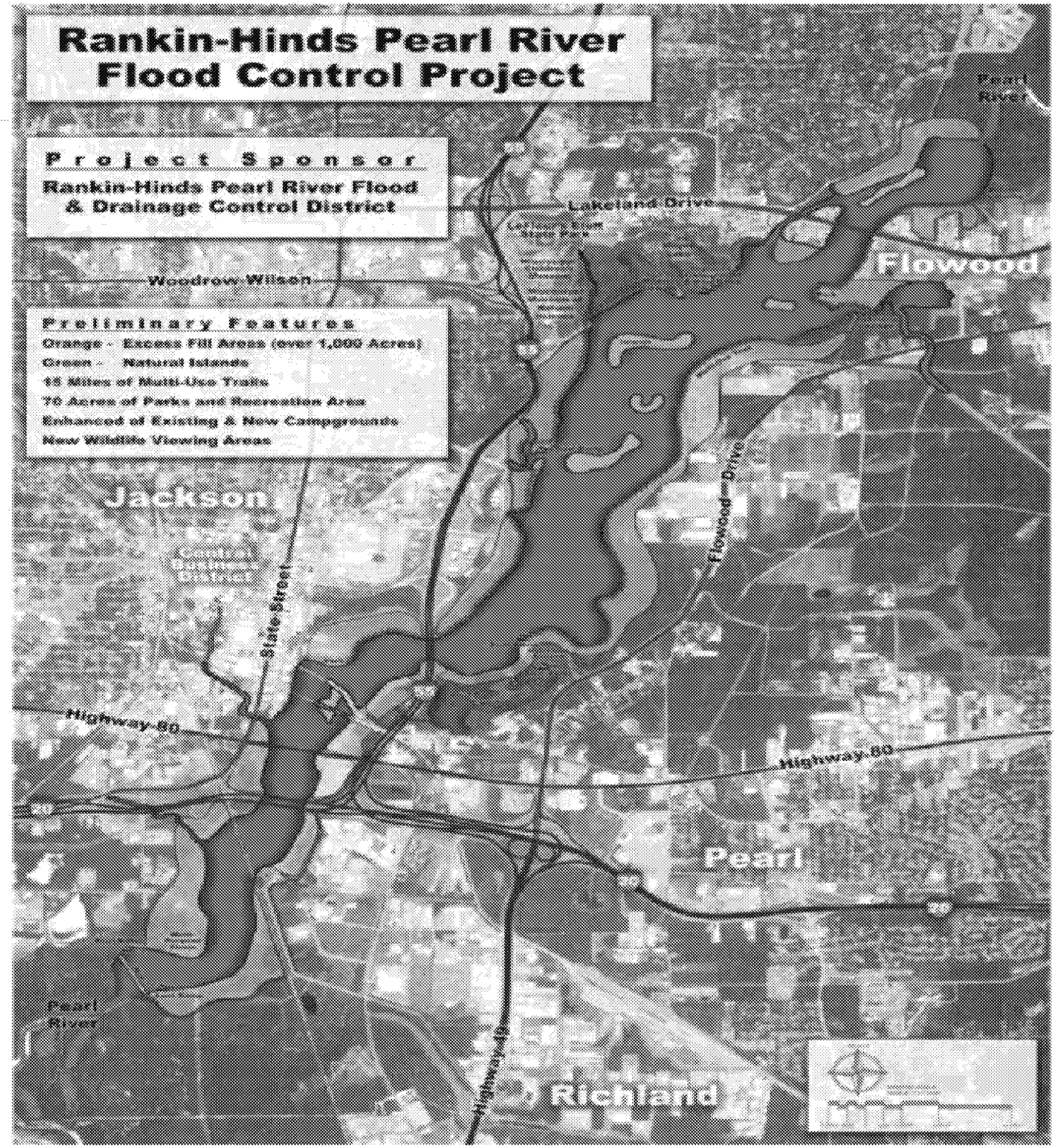
JUNE 8, 2022

Credit: Pearl Riverkeeper

Pearl River

Flood Planning & One Lake

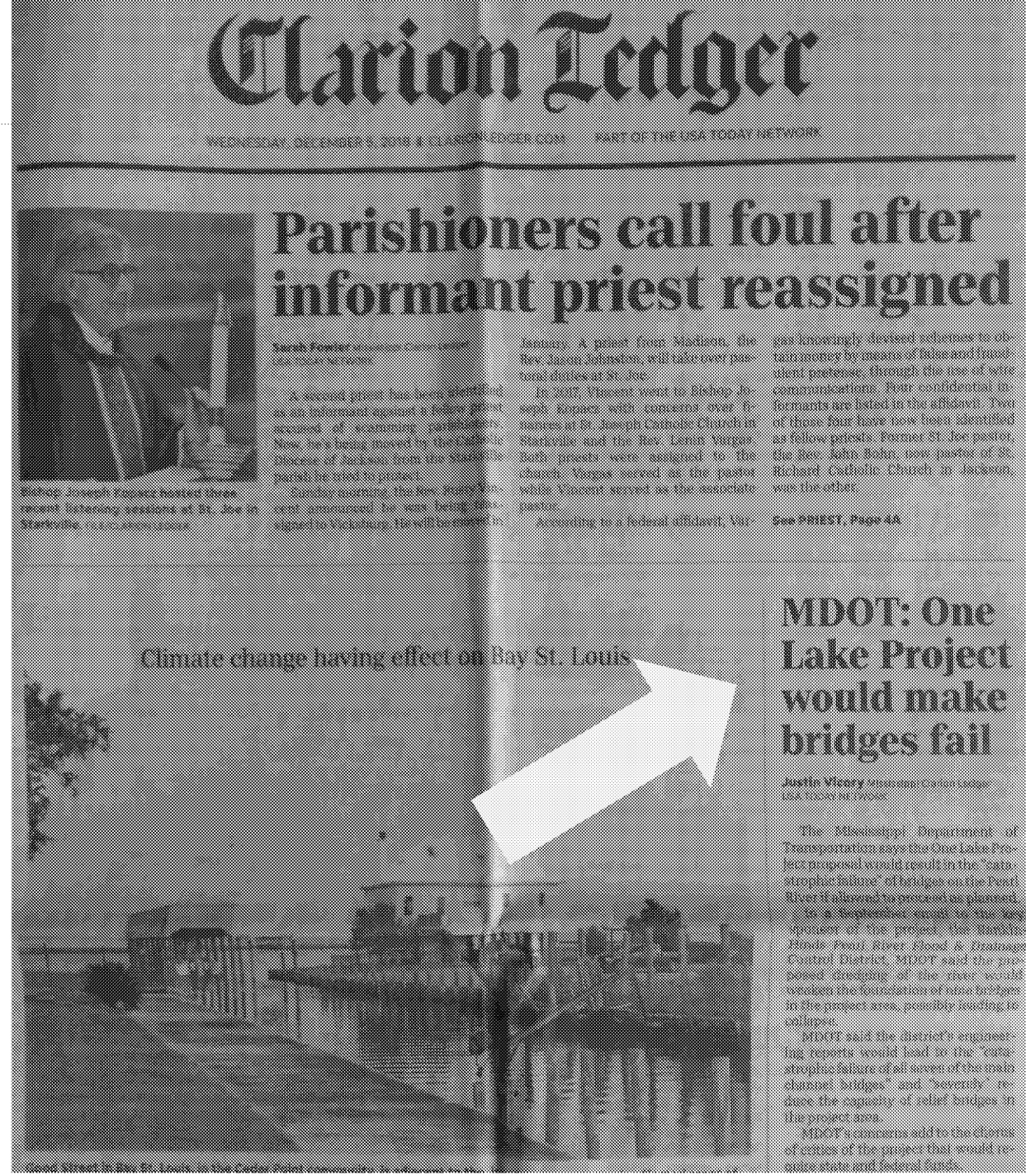
- 1979 Flood of Record
- “Most environmentally damaging plan”
- Corps rejected
- Dredge ~10 miles
- Dam to create a 1,900-acre impoundment
- Destroy 2,500 acres, mostly wetlands
- More development in harm’s way



Exacerbate Environmental Injustices

Public Health & Safety

- 8 Hazardous Toxic Waste sites
- Exacerbate tributary flooding
- Sewage: Billions of gallons
- MDOT: 9 Major bridge collapses



City of Jackson Sewer

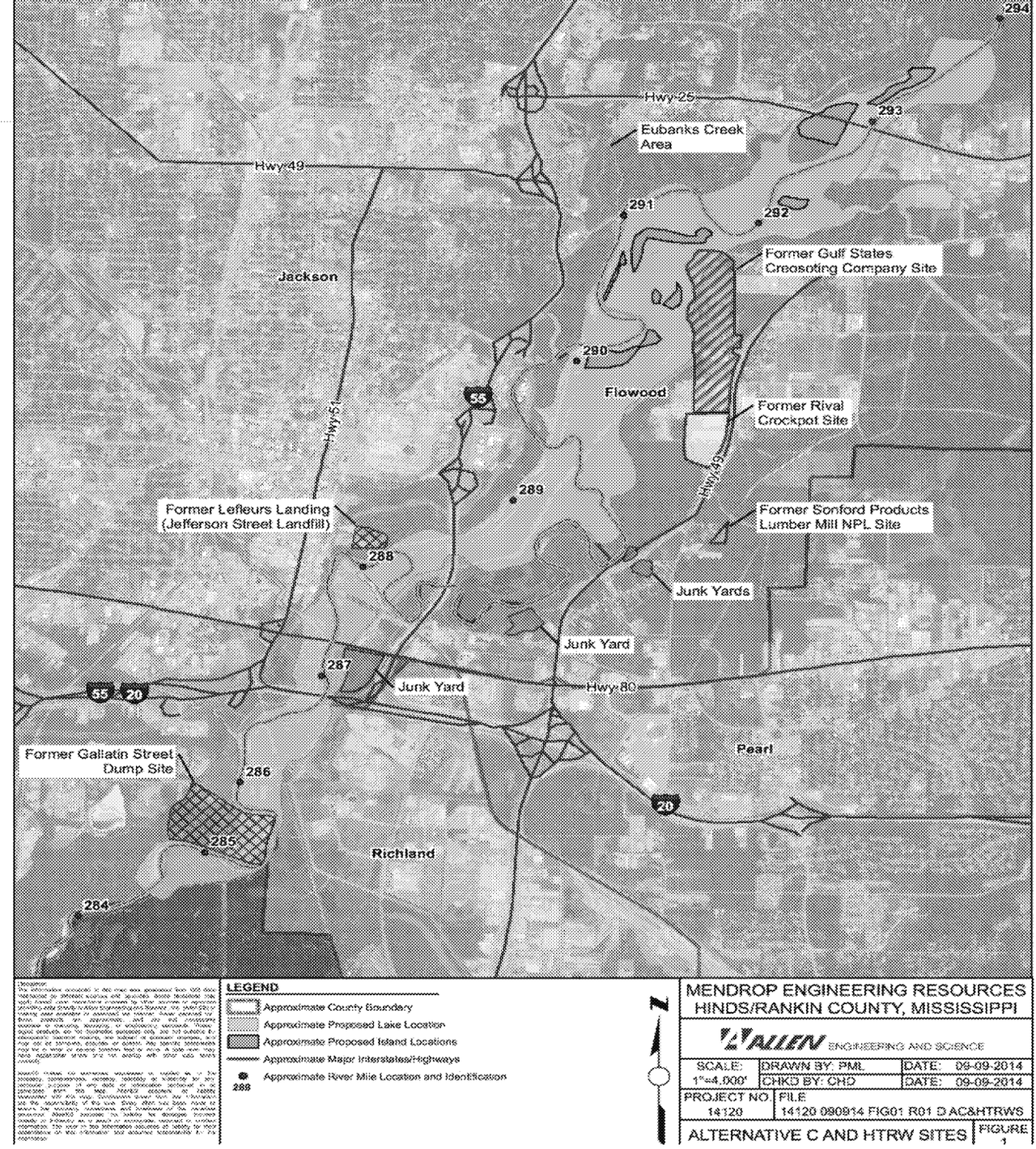
- 9 years under EPA consent decree
- 4 years of MDEQ-issued Water Contact Advisory allowing no fishing, swimming or wading in One Lake project area
- 2021
  - 205 Sanitary Sewer Overflows (SSOs)
  - 64.5 million gallons of sewage to One Lake project area
- Quarter 1, 2022
  - 259 SSOs
  - 52 million gallons
  - 14 SSOs released more than 1 million gallons at single location

8 Dangerous Waste Sites

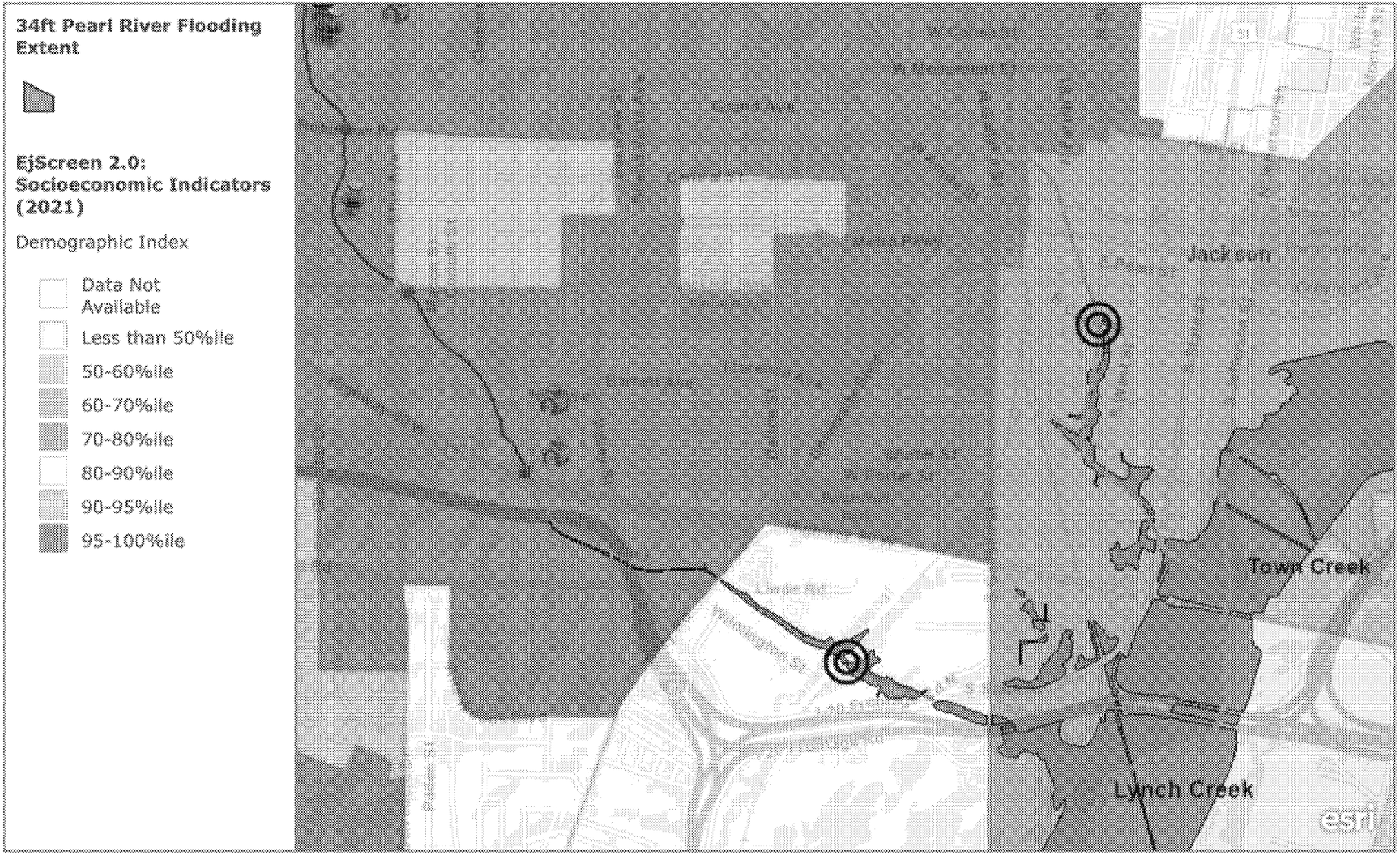
Study Finds 'One Lake' Project Poses Costly Public Health Risks

Jackson Free Press, 2/5/2019

- 3 major Hazardous Toxic Waste sites:
  - Gulf States Creosote
  - Jefferson St. Landfill
  - Gallatin St. Dump Site
- 5 additional highly contaminated sites, including remediated Superfund sites

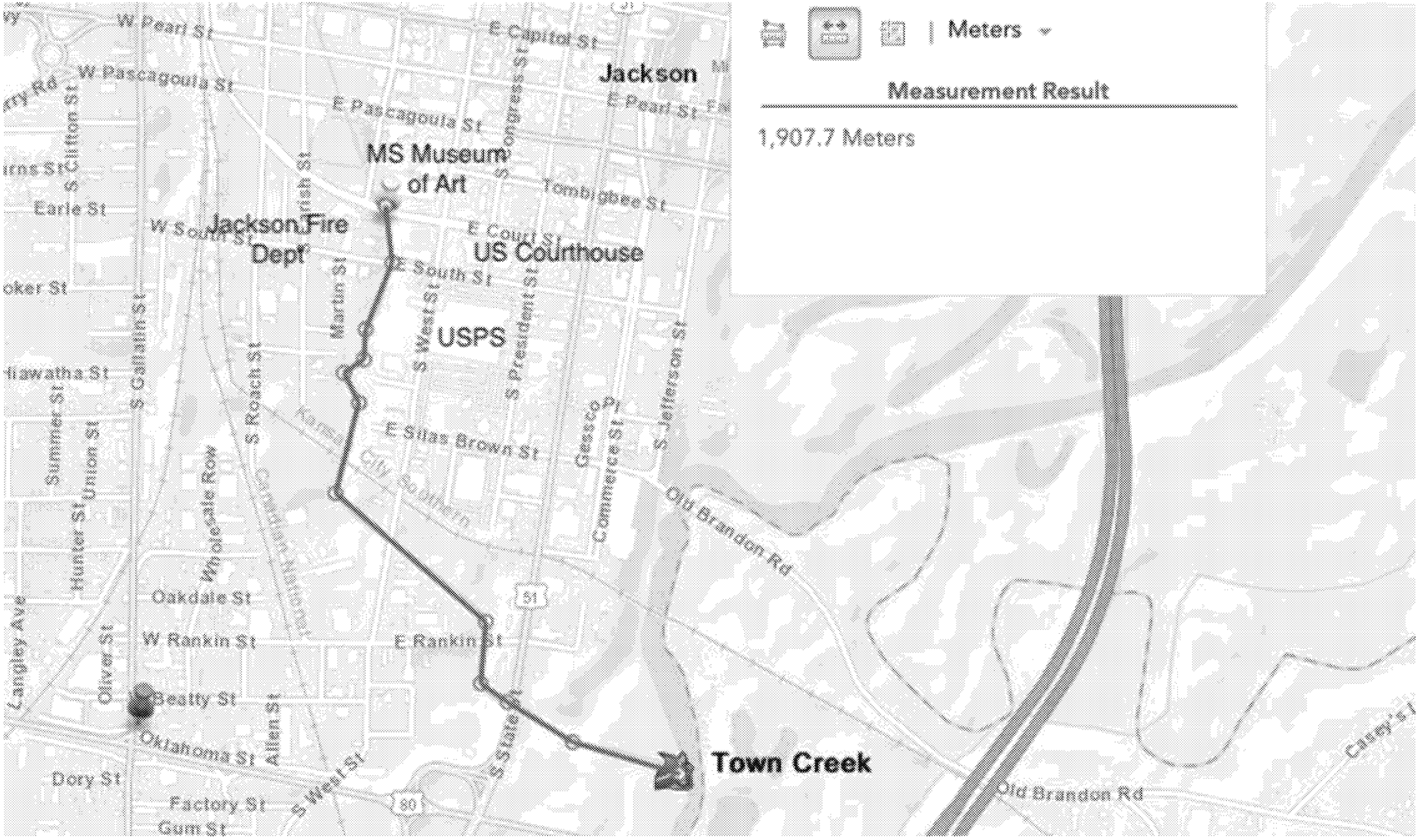


Exacerbate Urban Tributary Flooding



2019 Urban Tributary Flash Flooding

Exacerbate Urban Tributary Backflooding



Environmental Harm

- Footprint: Destroy 2,500 acres, mostly wetlands
- Downstream habitats
- Birds, fish, and wildlife
- Water quality and quantity

Credit: Cris Hagen/ USGS

Credit: Andrew Whitehurst

Economic Harm


Credit: Robert Smith

- 100+ Industry/Municipal discharge permits
- Recreation and tourism
- Commercial seafood industry

Broad Opposition

MS Rep. Bennie G. Thompson, Chairman
Homeland Security & 1/6 Commission (D-02)


Congressman 'strongly objects' to One Lake

LA Rep. Steve Scalise,
Minority Whip (R-01)

Chambers of Commerce

County/Municipal

Conservation Groups

15+ Resolutions

State-Federal Leaders & Agencies

Paddle & Nature Tours

Faith Groups

Hunting & Fishing

Seafood & Industry Interests

Sustainable Solutions for People & Wildlife

Nature-based & Non-structural

- Floodplain and river restoration
- Selective elevations and flood-proofing
- Voluntary relocations and buy-outs
- Improvements to existing levee system
- Improved Reservoir management
- Stronger policies to control development

Contact

Full Name: Melissa Samet
Last Name: Samet
First Name: Melissa

E-mail: sametm@nwf.org

Appointment

From: Feingold, Amy (she/her/hers) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97568EFCC12E4438A474BAACFB282405-FEINGOLD, AMY]
Sent: 3/22/2023 4:29:44 AM
To: Feingold, Amy (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97568efcc12e4438a474baacfb282405-Feingold, Amy]; Wise, Allison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=763a1079917346d1a4f504dc8bf5c108-Wise, Allison]; Marraccini, Davina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=66fecfe52dc84d8db7ab0859adee8426-Marraccini, Davina]; Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd4f64488]; Leuck, Lauren D CIV USARMY HQDA ASA CW (USA) [lauren.d.leuck.civ@army.mil]; Cardwell, Henry E (Hal) CIV USARMY CEIWR (USA) [henry.e.cardwell.civ@army.mil]; Brister, Jacob G CIV USARMY CEMVK (USA) [Jacob.G.Brister@usace.army.mil]; Prestwood, Deanna J (Anna) CIV USARMY CEMVD (USA) [DeAnna.J.Prestwood@usace.army.mil]; Victoria.W.Mcrae@usace.army.mil; Frazer, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=572986d047624669891da90708433da1-Brian Frazer]; Jensen, Stacey M CIV USARMY HQDA ASA CW (USA) [stacey.m.jensen.civ@army.mil]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Diaz, Denisse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c334462ce64c44579d9559064e38b5ce-Diaz, Denisse]
CC: McGill, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=658c6d5fd504462594aecdb5eca57661-Mcgill, Thomas]; Shumway, Laura (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ede2082be10a4724b507e9fd6a6a9a4b-Lovgren, La]; Sisneros, William D CIV USARMY CEMVK (USA) [William.D.Sisneros@usace.army.mil]; Calli, Rosemary (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e17c62eb477b48cfa42c0cedd631c005-Hall, Rosemary]; Renacker, George M (Mike) CIV (USA) [Mike.Renacker@usace.army.mil]; Owens, Anna M CIV USARMY CEMVK (USA) [Anna.M.Owens@usace.army.mil]

Subject: YBA Engagement Meeting - Weekly
Attachments: Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; UPDATE with Agenda + materials YBA Engagement Meeting - Weekly
Location: Microsoft Teams Meeting

Start: 3/15/2023 6:00:00 PM
End: 3/15/2023 7:00:00 PM
Show Time As: Tentative

Recurrence: Weekly
Occurs every Wednesday from 2:00 PM to 3:00 PM effective 3/15/2023 until 4/26/2023. (UTC-05:00) Eastern Time (US & Canada)
Required Attendees: Feingold, Amy (she/her/hers); Wise, Allison; Marraccini, Davina; Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA); Leuck, Lauren D CIV USARMY HQDA ASA CW (USA); Cardwell, Henry E (Hal) CIV USARMY CEIWR (USA); Brister, Jacob G CIV USARMY CEMVK (USA); Prestwood, Deanna J (Anna) CIV USARMY CEMVD (USA); Victoria.W.Mcrae@usace.army.mil; Frazer, Brian; Jensen, Stacey M CIV USARMY HQDA ASA CW (USA); Jenkins, Brandi; Diaz, Denisse
Optional Attendees: McGill, Thomas; Shumway, Laura (she/her/hers); Sisneros, William D CIV USARMY CEMVK (USA); Calli, Rosemary (she/her/hers); Renacker, George M (Mike) CIV (USA); Owens, Anna M CIV USARMY CEMVK (USA)

Exchange Server re-created a meeting that was missing from your calendar.

Appointment

To: Feingold, Amy (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97568efcc12e4438a474baacfb282405-Feingold, Amy]; Wise, Allison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=763a1079917346d1a4f504dc8bf5c108-Wise, Allison]; Marraccini, Davina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=66fecfe52dc84d8db7ab0859adee8426-Marraccini, Davina]; Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd4f64488]; Leuck, Lauren D CIV USARMY HQDA ASA CW (USA) [lauren.d.leuck.civ@army.mil]; Cardwell, Henry E (Hal) CIV USARMY CEIWR (USA) [henry.e.cardwell.civ@army.mil]; Brister, Jacob G CIV USARMY CEMVK (USA) [Jacob.G.Brister@usace.army.mil]; Prestwood, Deanna J (Anna) CIV USARMY CEMVD (USA) [DeAnna.J.Prestwood@usace.army.mil]; Victoria.W.Mcrae@usace.army.mil; Frazer, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=572986d047624669891da90708433da1-Brian Frazer]; Jensen, Stacey M CIV USARMY HQDA ASA CW (USA) [stacey.m.jensen.civ@army.mil]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Diaz, Denisse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c334462ce64c44579d9559064e38b5ce-Diaz, Denisse]
CC: McGill, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=658c6d5fd504462594aecdb5eca57661-Mcgill, Thomas]

Start: 3/22/2023 6:00:00 PM
End: 3/22/2023 7:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Required Attendees: Wise, Allison; Marraccini, Davina; Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA); Leuck, Lauren D CIV USARMY HQDA ASA CW (USA); Cardwell, Henry E (Hal) CIV USARMY CEIWR (USA); Brister, Jacob G CIV USARMY CEMVK (USA); Prestwood, Deanna J (Anna) CIV USARMY CEMVD (USA); Victoria.W.Mcrae@usace.army.mil; Frazer, Brian; Jensen, Stacey M CIV USARMY HQDA ASA CW (USA); Jenkins, Brandi; Diaz, Denisse

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CC: Shumway, Laura (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ede2082be10a4724b507e9fd6a6a9a4b-Lovgren, La]; Sisneros, William D CIV USARMY CEMVK (USA) [William.D.Sisneros@usace.army.mil]; Calli, Rosemary (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e17c62eb477b48cfa42c0cedd631c005-Hall, Rosemary]; McGill, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=658c6d5fd504462594aecdb5eca57661-Mcgill, Thomas]

Start: 4/12/2023 6:00:00 PM
End: 4/12/2023 7:00:00 PM

Recurrence: (none)

CONGRESSIONALS: [Cynthia to provide]

ZOOM PARTICIPANTS: [Cynthia to provide]

FED FAMILY: Stacey has

FEB SIGN UP SHEETS

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ROUND TABLE INVITEES

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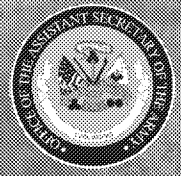
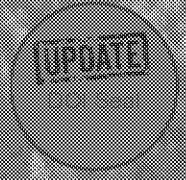
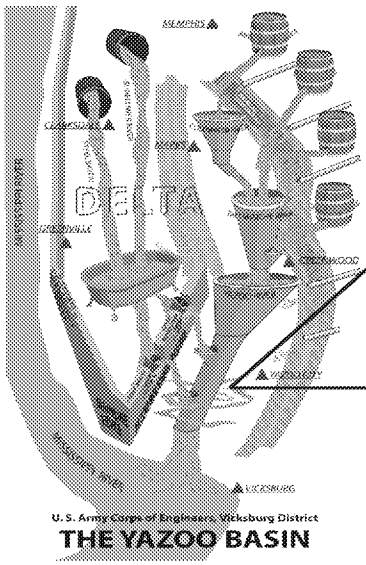
RECOMMENDED PREFERRED APPROACH FOR YAZOO BACKWATER AREA

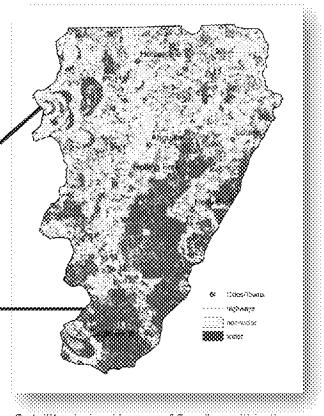
U.S. Army Corps of Engineers,
U.S. Fish and Wildlife Service,
& U.S. Environmental Protection Agency





WHY DOES FLOODING OCCUR?



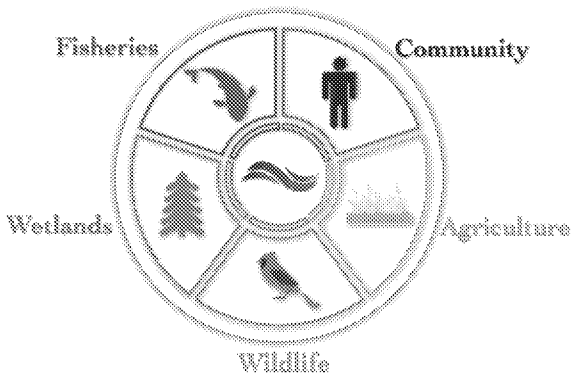


Satellite-derived image of flooding within the Yazoo Backwater Area after heavy rains in late August, 2022 when gates were open. The composite image is of water extent from satellite images collected from 9/10/22-9/23/22

- Gates close and stay closed, when the Yazoo River is higher than the water level in the backwater area
- When the Yazoo River water level is below the backwater area, the gates can be reopened
- The collection of water that occurs when the gates are closed results in backwater flooding
- Headwater flooding can still occur with the gates open

PURPOSE

The recommended approach provides flood risk reduction for communities and the local economy. Flood risk reduction will target primary residences (and roads isolating them), schools, infrastructure, commercial properties, and prime farmland while minimizing environmental losses.

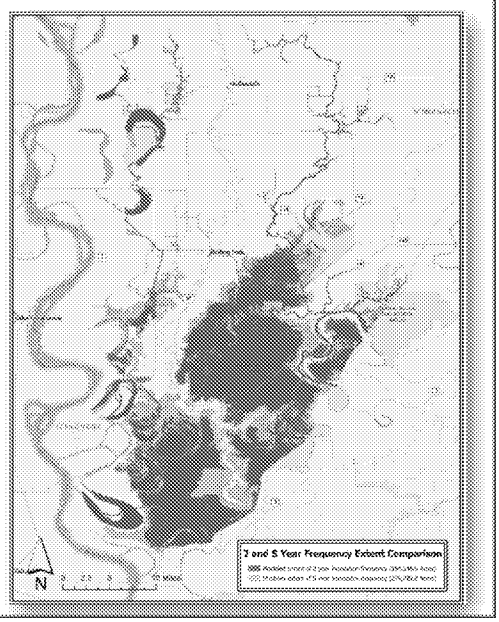


PROPOSED WATER MANAGEMENT SOLUTION

Pump:
- Manage backwater flooding seasonally; non-crop season (93ft) and crop season (90ft).

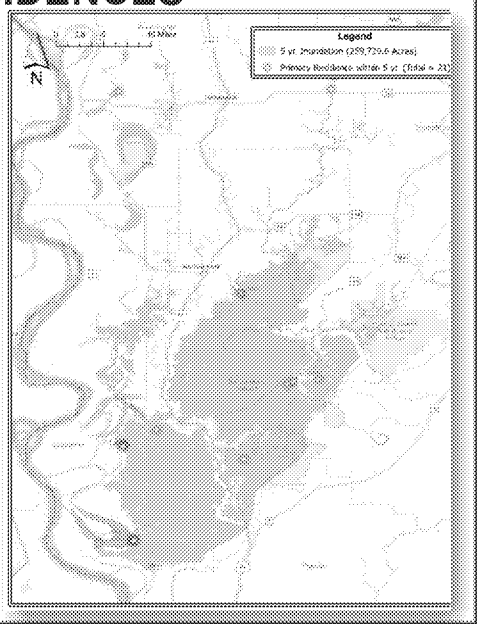
Non-structural:
- Modify Steele Bayou gate management to benefit fisheries
- Provide option of buy-outs, ring levees, & home elevations

Adaptive Monitoring:
- MOU between EPA & Army to perform follow-up adaptive monitoring using field based data and satellite imagery approaches.

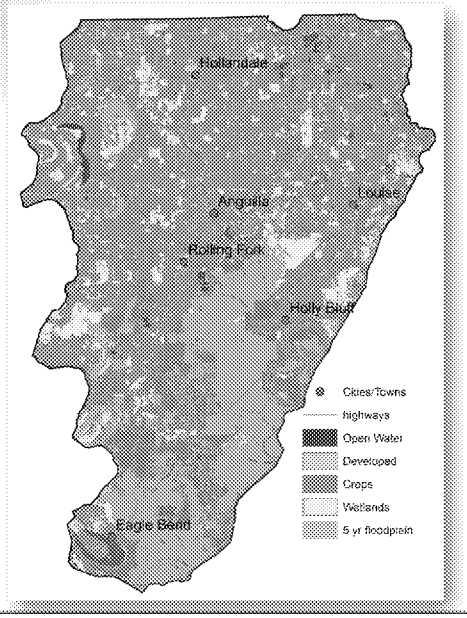


CONSIDERATION: RESIDENCES

- USACE conducted field surveys in the 5-year floodplain to locate primary residences:
  - 21 primary residences in the 5-year floodplain inundated
  - 15 of those already have some floodproofing alterations
- Primary residences in the 5-year floodplain will have floodproofing options, such as:
  - Buy-outs
  - Home elevations
  - Ring levees
- Additional considerations under other authorities:
  - Road elevations
  - Septic and sanitary sewer protection



CONSIDERATION: AGRICULTURE

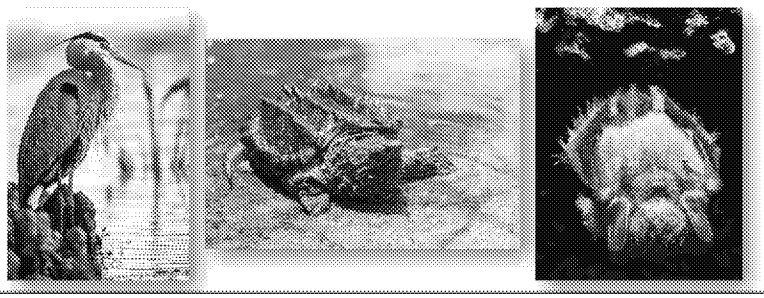


- EPA worked with the National Resources Conservation Service and MS Agriculture Commission to understand the primary crops, crop seasons, days to reach maturity, and field preparation methods in the Delta
- Primary crops protected
  - Soybeans
  - Field Corn
  - Cotton
- Estimated crop season with pump
  - March 25th – October 31st

CONSIDERATION: FISH, WILDLIFE, & WETLANDS

- FWS, USACE, and EPA agree on the species to protect for this project
- The agencies are working together and will be in agreement on the methods to determine impacts on the wetlands, fish, and other species.

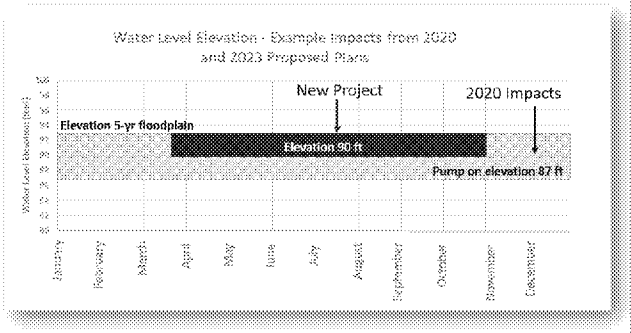
Avoid, minimize, and reduce impacts



Species or Taxa
Prothonotary Warbler
Kentucky Warbler
Wood Thrush
Acadian Flycatcher
King Rail
Great Blue Heron
Shorebirds
Waterfowl
Northern Long-eared Bat
Tricolored Bat
Alligator Snapping Turtle
Pondberry

IMPACT ASSESSMENT CRITERIA

- Non-Crop season
  - Backwater flooding allowed to reach extent of 5-year floodplain, helps minimize impacts to wetlands between 90-93 ft
- Crop Season
  - Functional loss impacts expected during crop season between 2-year floodplain and 5-year floodplain (90-93ft)
- The agencies have agreed-upon methods for assessing impacts to wetlands, fish and aquatic species, and wildlife, and assumptions for the calculations
- Some wetland functionality will likely be impacted, but the full loss of wetlands is unlikely



MITIGATION

Mitigation Strategy:

- Compensatory mitigation in advance of or concurrent with project impacts.
- Prior to regulated discharges of dredged or fill material necessary for pump construction:
  1. All mitigation sites will be secured via conservation easement or fee title acquisition, and
  2. All mitigation Plans will be approved by USACE, USEPA and USFWS
- An MOU will be developed between the agencies to outline a process for the establishment and operation of mitigation sites

Mitigation Components:

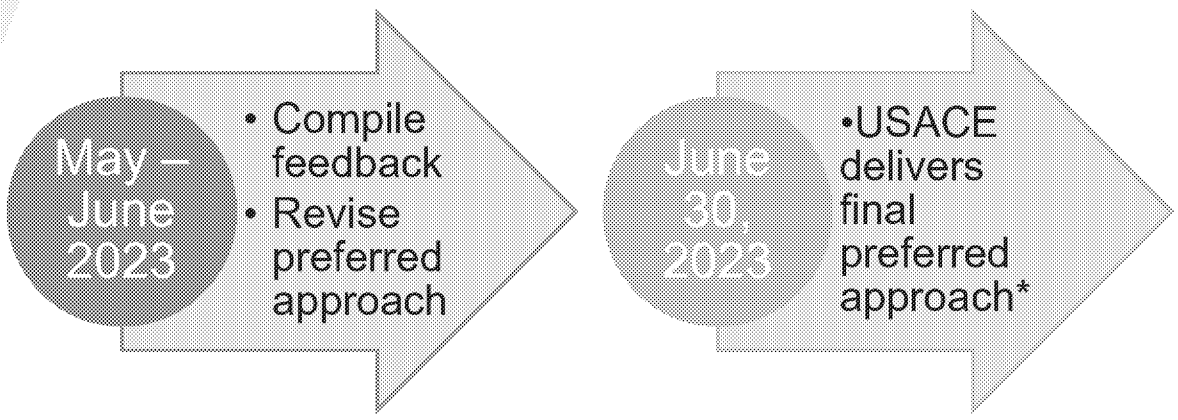
- Mitigation opportunities within and outside the Yazoo River Basin being considered
- Inside Yazoo River Basin

  Low-flow wells could be used to augment streamflow in certain Yazoo backwater streams during low flow times of the year
- Inside and outside Yazoo River Basin

  Ecosystem restoration and enhancement projects could be implemented in areas that would benefit fish and wildlife communities similar to those being impacted

1.

NEXT STEPS



*Subject to final analysis pursuant to NEPA, the CWA, and other relevant statutes and regulations

Appointment

From: Nicholson, John [Nicholson.John@epa.gov]
Sent: 6/9/2022 2:19:54 AM
To: teamsvisitor:a9ab93ac307148ea8effa2e903be34ec; Melissa Samet [sametm@nwf.org]; teamsvisitor:96936e8194a54bfd8981db4ef09bb13b; Andrew Whitehurst (Guest) [andrew@healthygulf.org]; teamsvisitor:12cc10bd1205431eae6d7406aa94b010; teamsvisitor:ded125a51ae7421a805a24042e08e7d4; Palmer, Leif [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d43408d25cf047a8b43aec713a5ee837-Palmer, Leif]; Nicholson, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=323474be18a3439e90b95d4e32fedade-Nicholson,]; Champagne, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f02723bdea204d23a5e5990d96def3d1-Champagne, David]; Ainslie, William [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f0961103d9bc495ab830cdc6dba07b18-Ainslie, William]; Diaz, Denisse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c334462ce64c44579d9559064e38b5ce-Diaz, Denisse]; Lamberth, Larry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d76744d344414e8d884e9fa4e3633ea3-Lamberth, Larry]; Kajumba, Ntale [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2a0bb710cff544d483d0ee7013ca65ff-Kajumba, Ntale]; Calli, Rosemary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e17c62eb477b48cfa42c0cedd631c005-Hall, Rosemary]; Fite, Mark [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2aec26020c954f7aac1d0ea918827c7d-Fite, Mark]; Application 9cd07db6-fab5-438c-8e34-44117fac7650; Application ab5d1521-415b-4380-82e4-af803fb8bf2d; Gettle, Jeaneanne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d8e72aa7e1894faea44006fd9f22b637-Gettle, Jeaneanne]; Hicks, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eaa50f546c9b440a98c82f4e9bd5bd69-Hicks, Matthew]

Subject: Meeting (ScheduledMeeting)/Thread Id: 19:meeting_OThkNzZhMmUtMzQ0NS00ZmZkLTkxZmItOGJjYWY5MGFmYWJh@thread.v2/Communication Id: 49a315bd-55b2-4a22-9c1b-9a8b37f9d3ea/teamsvisitor:a9ab93ac307148ea8effa2e903be34ec,Melissa Samet,teamsvisitor:96936e8194a54bfd...

Start: 6/8/2022 4:52:18 PM
End: 6/8/2022 6:04:48 PM
Show Time As: Busy

Recurrence: (none)

Required Attendees: teamsvisitor:a9ab93ac307148ea8effa2e903be34ec; Melissa Samet; teamsvisitor:96936e8194a54bfd8981db4ef09bb13b; Andrew Whitehurst (Guest); teamsvisitor:12cc10bd1205431eae6d7406aa94b010; teamsvisitor:ded125a51ae7421a805a24042e08e7d4; Palmer, Leif; Nicholson, John; Champagne, David; Ainslie, William; Diaz, Denisse; Lamberth, Larry; Kajumba, Ntale; Calli, Rosemary; Fite, Mark; Application 9cd07db6-fab5-438c-8e34-44117fac7650; Application ab5d1521-415b-4380-82e4-af803fb8bf2d; Gettle, Jeaneanne; Hicks, Matt

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Start Time (UTC): 6/8/2022 4:52:18 PM
End Time (UTC): 6/8/2022 6:04:48 PM
Duration: 01:12:29.9861418

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[6/8/2022 6:01:50 PM (UTC)] teamsvisitor:a9ab93ac307148ea8effa2e903be34ec left.
[6/8/2022 4:58:12 PM (UTC)] sametm@nwf.org joined.
[6/8/2022 6:01:48 PM (UTC)] sametm@nwf.org left.
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[6/8/2022 4:52:18 PM (UTC)] andrew@healthygulf.org joined.
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[6/8/2022 5:15:29 PM (UTC)] Palmer.Leif@epa.gov joined.
[6/8/2022 6:01:52 PM (UTC)] Palmer.Leif@epa.gov left.
[6/8/2022 4:57:35 PM (UTC)] Nicholson.John@epa.gov joined.
[6/8/2022 6:01:51 PM (UTC)] Nicholson.John@epa.gov left.
[6/8/2022 4:57:35 PM (UTC)] Champagne.David@epa.gov joined.
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[6/8/2022 5:01:17 PM (UTC)] Ainslie.William@epa.gov joined.
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[6/8/2022 5:06:46 PM (UTC)] Diaz.Denisse@epa.gov joined.
[6/8/2022 6:01:49 PM (UTC)] Diaz.Denisse@epa.gov left.
[6/8/2022 4:58:27 PM (UTC)] Lamberth.Larry@epa.gov joined.
[6/8/2022 6:01:45 PM (UTC)] Lamberth.Larry@epa.gov left.
[6/8/2022 4:58:33 PM (UTC)] Kajumba.Ntale@epa.gov joined.
[6/8/2022 6:01:59 PM (UTC)] Kajumba.Ntale@epa.gov left.
[6/8/2022 5:00:22 PM (UTC)] Calli.Rosemary@epa.gov joined.
[6/8/2022 6:02:00 PM (UTC)] Calli.Rosemary@epa.gov left.
[6/8/2022 5:01:32 PM (UTC)] Fite.Mark@epa.gov joined.
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[6/8/2022 4:58:19 PM (UTC)] Gettle.Jeaneanne@epa.gov joined.
[6/8/2022 6:01:49 PM (UTC)] Gettle.Jeaneanne@epa.gov left.
[6/8/2022 4:59:35 PM (UTC)] Hicks.Matthew@epa.gov joined.
[6/8/2022 6:01:51 PM (UTC)] Hicks.Matthew@epa.gov left.

Yazoo Backwater Area (YBA)
Community Engagement Sessions

The U.S. Department of the Army (Army) and the U.S. Environmental Protection Agency (EPA) invite YBA area residents to attend one of five community engagement sessions on flood risk reduction. Due to space limitations and to accommodate everyone who would like to participate, five sessions are being offered. Each session will be the same, with an introduction followed by discussion.

WHO: Area residents, Assistant Secretary of the Army (Civil Works) Michael Connor and EPA Region 4 Deputy Regional Administrator Jeaneanne Gettle

WHEN: February 15, 2023 – choose one of five sessions being offered:

- 9:00 – 10:30 a.m.
- 11:00 a.m. – 12:30 p.m.
- 1:30 – 3:00 p.m.
- 3:30 – 5:00 p.m.
- 5:30 – 7:00 p.m.

WHERE: Mt. Lula Missionary Baptist Church, Fellowship Hall
118 Maple Street, Rolling Fork, Mississippi

These community engagement sessions are part of a five-month process committed to by the Army and EPA in January 2023 to identify flood risk reduction solutions for the YBA. Your input will inform the agencies' preferred approach for reducing flood risk.

We value your perspectives and want to hear from you. During these sessions, federal policy makers will gather your input on solutions that reduce flooding and its immediate and long-term impacts on you and your community. Participants can also provide written comments and sign up to receive additional information and updates.

For more information, contact XX.

We want to hear from you!

Please use the provided comment cards to share your input on solutions that reduce flooding and its immediate and long-term impacts on you and your community.

The U.S. Department of Army and the U.S. Environmental Protection Agency would like to know more about:

- What aspects of flooding are of most concern to you?
- What is the most important aspect of your day-to-day life that is impacted by flooding?
- How would a solution to flooding change your day-to-day life?
- Any additional information you would like us to know.

Comments may be submitted anonymously. To receive project update and announcements, please include your name and contact information.

Comments may also be submitted to [Name?] [email]

COMMENT CARD

*Please note all fields are optional.

Name: _____ Phone: _____

Address: Email:

INTERESTS

Agriculture	☐	XXX	☐
Real estate	☐	XXX	☐
Hunting	☐	Other	☐

ANY COMMENTS, QUESTIONS OR SUGGESTIONS:

COMMENT CARD

*Please note all fields are optional.

Name: _____ Phone: _____

Address: Email:

INTERESTS

Agriculture	☐	XXX	☐
Real estate	☐	XXX	☐
Hunting	☐	Other	☐

ANY COMMENTS, QUESTIONS OR SUGGESTIONS:

SIGN-IN SHEET
FEBRUARY 15, 2023

#	NAME	AFFILIATION	ADDRESS	PHONE	EMAIL
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

We want to hear from you!

Please use the provided comment cards to share your input on solutions that reduce flooding and its immediate and long-term impacts on you and your community.

The U.S. Department of Army and the U.S. Environmental Protection Agency would like to know more about:

- What aspects of flooding are of most concern to you?
- What is the most important aspect of your day-to-day life that is impacted by flooding?
- How would a solution to flooding change your day-to-day life?
- Any additional information you would like us to know.

Comments may be submitted anonymously. To receive project update and announcements, please include your name and contact information.

Comments may also be submitted to [Name?] [email]

NAME	AFFILIATION
ASA(CW) Connor	Army Civil Works
Stacey Jensen	Army Civil Works
Cynthia Lyles-Quinn	Army Civil Works
Hal Cardwell	Army Civil Works
Jeaneanne Gettle	EPA Region 4
Brandi Jenkins	EPA Region 4
Brian Frazer	HQ EPA
Laura Shumway	HQ EPA
Amy Feingold	HQ EPA
Davina Mancini	EPA Region 4
Denisse Diaz/Joel Hansel	EPA Region 4
	Notetaker
	ASL Interpreter

NAME
REP Thompson
REP Thompson staffers
SEN Wicker staffers
SEN Hyde-Smith staffers

NAME	EMAIL
Paul Hollis	hollisfarms@gmail.com
Eldridge Walker	walkerfuneraldirector@gmail.com
Linda Williams Short	wlindaw1@bellsouth.net
Shawn Jackson	sjackson@co.warren.ms.us
Joseph Thomas	jthomas@senate.ms.gov
Rufus Straughter	rstraughter@house.ms.gov, rufusstraughter@gmail.com
Willie Bailey	wbailey@house.ms.gov, leebailey@suddenlinkmail.com
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Waye Windham	waye.windham@yahoo.com
Briggs Hopson	bhopson@tellerlaw.com
Kevin Ford	kford@house.ms.gov
Roy Nichols	rnichols@deltaland.net

AFFILIATION	YES	NO
Levee Commissioner Sharkey County	X	
Mayor of Rollikng Fork		
Mayor of Mayersville		
Warren County Board of Supervisors		
MS State Senator		
MS State Representative		
MS State Representative		
Mayor of Cary		
Sherriff Issaquena County	X	
State Senator		
State Representative		
Levee Commissioner Issaquena County		

NAME
Hank Burdine
John Phillips
Ted Kendall IV
Chris Wells, Director
Lieutenant Colonel (R) Stephen C. McCraney, Executive Director
John Elfer, Director
Dr. Jeff Holland
Royce Steed
Frank Eason
Larry Short
Jack Willingham
Commissioner Gipson

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johne@co.warren.ms.us
jholland@co.warren.ms.us
Humphreyse911@bellsouth.net; rsteed@humphreyscounty.org
sharkeycoema@gmail.com
Wlindaw1@bellsouth.net
yazoocoema@yazoocountyms.gov
andy@mdac.ms.gov

AFFILIATION	YES	NO
MS Ag Commissioner	X	
Delta Council	X	
Central MS VP of MSFBF	X	
Mississippi Department of Environmental Quality		
Mississippi Emergency Management Agency		
Warren County Emergency Management Agency	X	
Warren County Emergency Management Agency	X	
Humphreys County Emergency Management Agency	X	
Sharkey County Emergency Management Agency		
Issaquena County Emergency Management Agency		
Yazoo County Emergency Management Agency		
Ag Commissioner MDAC MS	X	

NAME	CONTACT INFO	AFFILIATION	YES
Dr. Jerry Young	president@nationalbaptist.com	President National Baptist Convetion	
Willie Griffin	wgriffinlawyer@aol.com	Attorney	
Melvin Sias	msias@southdelta.k12.ms.us	South Delta School Board	X
Charles Taylor	ctaylor@naacpms.org	Executive Director of MS NAACP	
Ty Pinkins	ty@typinkins.com	The Pyramid Project/MS Center for Justice	
Tracy Harden	tracyharden@ymail.com		X
Ann Dahl	jeanneneann@gmail.com		X
Victoria Darden Garland	torilyn09@gmail.com		X

NO

NAME	EMAIL
Jill Mastrototaro and Dawn O'Neal	Jill.Mastrototaro@audubon.org; dawn.oneal@audubon.org
Louie Miller	Louie.Miller@sierraclub.org
Andrew	andrew@healthygulf.org
J Cummins	jcummins@wildlifemiss.org
Melissa Samet	sametm@nwf.org
Dorothy	odorothy@americanrivers.org
Jimmy Hague	james.hague@tnc.org
Kim Lutz	kim.lutz@americaswatershed.org
Rebecca Power	rpower@wffmail.com
Ashlee Smith	asmith@mswf.org
Alex Littlejohn and Justin Brooks	alittlejohn@tnc.org and justin.brooks@tnc.org
Ed Penny	epenny@ducks.org
Tim Huggins	tim@deltawildlife.org

AFFILIATION	YES	NO
Audubon	X	
Sierra Club		
Healthy Gulf	X	
Wildlife Mississippi		
NWF	X	
American Rivers	X	
TNC		X
America's Watershed		
Walton Family Foundation		X
MS Wildlife Federation		
TNC	X	
Ducks Unlimited		
Delta Wildlife		

Message

From: Marraccini, Davina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=66FECFE52DC84D8DB7AB0859ADEE8426-MARRACCINI, DAVINA]
Sent: 2/9/2023 6:27:50 PM
To: Feingold, Amy (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97568efcc12e4438a474baacfb282405-Feingold, Amy]; Wise, Allison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=763a1079917346d1a4f504dc8bf5c108-Wise, Allison]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd4f64488]; Leuck, Lauren D CIV USARMY HQDA ASA CW (USA) [lauren.d.leuck.civ@army.mil]; Cardwell, Henry E (Hal) CIV USARMY CEIWR (USA) [henry.e.cardwell.civ@army.mil]; Brister, Jacob G CIV USARMY CEMVK (USA) [Jacob.G.Brister@usace.army.mil]; Prestwood, Deanna J (Anna) CIV USARMY CEMVD (USA) [DeAnna.J.Prestwood@usace.army.mil]; Mary.M.Morgan@usace.army.mil; Victoria.W.Mcrae@usace.army.mil
Subject: RE: YBA Comms Strategy updates 10:30am

I connected with the City of Rolling fork and they agreed to print copies of the flyers and pass them out to visitors of City Hall. Is the flyer final so I have the green light to email them today?

They also recommend we distribute copies at the following locations. If the flyer is final, I can call the top 3 today to see if they can assist us in distributing, but someone would need to hand-deliver copies to the others (I included address) and I'm not sure who has the bandwidth to accomplish this:

- Sharkey County Tax Assessor's office (I can call and see if I can email them the flyer to distribute)
- South Delta School District (I can call them to see if I can email them a copy of the flyer to distribute)
- Sharkey-Issaquena Academy (I can call them to see if I can email them a copy of the flyer to distribute)
- Chuck Dairy Bar (20668 US-61, Rolling Fork, MS 39159)
- Stop-n-Shop (20917 US-61, Rolling Fork, MS 39159)
- Double Quick (102 Race St, Rolling Fork, MS 39159)
- Family Dollar (20503 US-61, Rolling Fork, MS 39159)

Lastly, do you want me to reach out to any municipalities outside of Rolling Fork?

-Davina

From: Feingold, Amy (she/her/hers) <Feingold.Amy@epa.gov>
Sent: Thursday, February 9, 2023 10:53 AM
To: Wise, Allison <Wise.Allison@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA) <cynthia.v.lyles-quinn.civ@army.mil>; Leuck, Lauren D CIV USARMY HQDA ASA CW (USA) <lauren.d.leuck.civ@army.mil>; Cardwell, Henry E (Hal) CIV USARMY CEIWR (USA) <henry.e.cardwell.civ@army.mil>; Brister, Jacob G CIV USARMY CEMVK (USA) <Jacob.G.Brister@usace.army.mil>; Prestwood, Deanna J (Anna) CIV USARMY CEMVD (USA) <DeAnna.J.Prestwood@usace.army.mil>; Mary.M.Morgan@usace.army.mil; Victoria.W.Mcrae@usace.army.mil
Subject: YBA Comms Strategy updates 10:30am

Latest version with updates from today's call

Other action items:

- EPA/Army route attached advisory through review chains and coordinate on final language to release (Davina/Lauren)

- Draft and coordinate messaging for principals (R4/Amy/Lauren)
- Feedback/edits on comment card sign (all)
- Identify community officials and faith leaders to send flyer announcement to (WHO?)
  - Send out flyer announcement (again, WHO?)
- Brainstorm additional ideas on staffing positions (all)
  - Outside greeter(s)
  - Assistance for seniors
  - Sign in table
  - Distribute/ collect comments cards
  - Mic wiper

Appointment

To: Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA) [cynthia.v.lyles-quinn.civ@army.mil]; Feingold, Amy (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97568efcc12e4438a474baacfb282405-Feingold, Amy]; Wise, Allison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=763a1079917346d1a4f504dc8bf5c108-Wise, Allison]; Marraccini, Davina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=66fecfe52dc84d8db7ab0859adee8426-Marraccini, Davina]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd4f64488]; Leuck, Lauren D CIV USARMY HQDA ASA CW (USA) [lauren.d.leuck.civ@army.mil]; Cardwell, Henry E (Hal) CIV USARMY CEIWR (USA) [henry.e.cardwell.civ@army.mil]; Brister, Jacob G CIV USARMY CEMVK (USA) [Jacob.G.Brister@usace.army.mil]; Prestwood, Deanna J (Anna) CIV USARMY CEMVD (USA) [DeAnna.J.Prestwood@usace.army.mil]; Mary.M.Morgan@usace.army.mil; Victoria.W.Mcrae@usace.army.mil

Subject: Attachment added - YBA Engagement Planning
Attachments: Yazoo February 2023 Engagement Comms Strategy.docx
Location: Microsoft Teams Meeting

Start: 2/13/2023 8:00:00 PM
End: 2/13/2023 8:45:00 PM
Show Time As: Busy

Recurrence: (none)

Updated comms strategy with new information and changes

Please forward as appropriate and send me any attachments I should add.

Microsoft Teams meeting

Join on your computer, mobile app or room device
Click here to join the meeting

Meeting ID: 277 425 123 576
Passcode: Ae7hfX
Download Teams | Join on the web

Join with a video conferencing device
sip:teams@video.epa.gov
Video Conference ID: 113 862 835 8
Alternate VTC instructions

Or call in (audio only)
+1 470-705-2279,,34005443# United States, Atlanta
Phone Conference ID: 340 054 43#

Find a local number | Reset PIN

For all EPA meetings, there is no expectation of privacy regarding any communications. Participation in a recorded meeting will be deemed as consent to be recorded. Information on EPA systems is the property of the Agency and may become official records.

Learn More | Meeting options

Appointment

From: valentina.pereda@civicnation.org [valentina.pereda@civicnation.org]
Sent: 9/20/2022 8:55:54 PM
To: valentina.pereda@civicnation.org; Nikhil Swaminathan [nswaminathan@grist.org]; Natasha Berman [nberman@grist.org]; Mustafa Santiago Ali [mustafa.santiago.ali@gmail.com]; Rhonda Thompson [rthompson@psequity.org]; Nathaniel Smith [nsmith@psequity.org]; Blackman, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d23b8c4df5444b61a6e606ff2fc49e10-Blackman, D]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Frances Colon [fcolon@americanprogress.org]; Hannah Malus [hmalus@americanprogress.org]; Sally Hardin [shardin@americanprogress.org]; Genna Cifelli [gcifelli@americanprogress.org]; Ashlynn Profit [ashlynn@civicnation.org]; Amanda Hollowell [amanda.hollowell@civicnation.org]; Allyson Park [allyson.park@civicnation.org]

Subject: State of Environmental Justice Twitter Space: When We All Vote/ Grist
Attachments: invite.ics
Location: weall.vote/environmentaljustice

Start: 9/22/2022 8:00:00 PM
End: 9/22/2022 8:45:00 PM
Show Time As: Tentative

Recurrence: (none)

This event has been updated

Changed: location, conferencing, description

CHANGED **Description**

Twitter Space login link --> weall.vote/environmentaljustice
Make sure you are logging in from your phone!

Follow:
@WhenWeAllVote
@Grist

Briefing HERE

When

Thursday Sep 22, 2022 · 4pm – 4:45pm (Eastern Time - New York)

CHANGED Location

weall.vote/environmentaljustice
View map

Guests

valentina.pereda@civicnation.org - organizer
Nikhil Swaminathan
Natasha Berman
Mustafa Santiago Ali
Rhonda Thompson
Nathaniel Smith
blackman.daniel@epa.gov
jenkins.brandi@epa.gov
Frances Colon
Hannah Malus
Sally Hardin
Genna Cifelli
Ashlynn Profit
Amanda Hollowell
Allyson Park
View all guest info

Reply for jenkins.brandi@epa.gov

Maybe	No	Yes

More options

Organizer:	valentina.pereda@civicnation.org : valentina.pereda@civicnation.org
Subject:	State of Environmental Justice Twitter Space: When We All Vote/ Grist
Location:	weall.vote/environmentaljustice
Start Time:	2022-09-22T20:00:00Z
End Time:	2022-09-22T20:45:00Z
Attendees:	Nikhil Swaminathan : nswaminathan@grist.org, Natasha Berman : nberman@grist.org, Mustafa Santiago Ali : mustafa.santiago.ali@gmail.com, Rhonda Thompson, rthompson@psequity.org, Nathaniel Smith : nsmith@psequity.org, blackman.daniel@epa.gov : blackman.daniel@epa.gov, jenkins.brandi@epa.gov, jenkins.brandi@epa.gov, Frances Colon : fcolon@americanprogress.org, Hannah Malus : hmalus@americanprogress.org, Sally Hardin, shardin@americanprogress.org, Genna Cifelli : gcifelli@americanprogress.org, Ashlynn Profit : ashlynn@civicnation.org, Amanda Hollowell, amanda.hollowell@civicnation.org, Allyson Park : allyson.park@civicnation.org, valentina.pereda@civicnation.org : valentina.pereda@civicnation.org

<html-blob>Twitter Space login link --> weall.vote/environmentaljustice
Make sure you are logging in from your phone!

Follow:
@WhenWeAllVote
@Grist</html-blob>
<html-blob>
</html-blob>
<html-blob>Briefing HERE</html-blob>

-::~:~::~::~:~::-
View your event at https://calendar.google.com/calendar/event?action=VIEW&eid=NWkyMWpuY2NxdmhxZzZ0bGJzZHVsY3MyY3IgamVua2lucy5icmFuZGlAZXBhLmdvdg&tok=MzIjdmFsZW50aW5hLnBlcmVkYUBjaXZpY25hdGlvbi5vcmcyMDBlMWFiZGZhMzBhNWU1NzYyOTdkY2VjZjAxODkwMzE2OTMxYjEz&ctz=America%2FNew_York&hl=en&es=0.

Please do not edit this section.
-::~:~::~::~:~::-

Summary of Comment Cards:
Community Engagement Sessions on YBA Flooding

Vicksburg, Mississippi • February 15, 2023

Summary of Comment Card "Areas of Concern"	
Total Number of Comment Cards	46
Number of Cards with all Areas of Concern Checked	34
Home Accessibility	41
Housing or Property Impact	42
Access to Emergency Services	40
Impacts to Wildlife	44
Health Concerns	41
Infrastructure (Electricity or Road Accessibility)	41
Agriculture (Flooding of Farmland or Loss of Livestock)	41
Hunting or Outdoor Recreation	39

Summary of written comments:

The general feedback from individuals is in support of installing pumps to prevent flooding. The pumps are largely seen as the only solution to protect homes, wildlife, farmland, and businesses. The lack of action in completing the project is seen by some to be a result of government negligence and environmental groups fighting the issue. Comments note flooding has caused significant emotional, financial, and mental stress for those affected, and the impact on wildlife, crops, and the environment has been devastating. Individuals are urging the agencies to take action and build the pumps to eliminate flooding in the Yazoo Backwater Area.

Appointment

To: Feingold, Amy (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97568efcc12e4438a474baacfb282405-Feingold, Amy]; Wise, Allison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=763a1079917346d1a4f504dc8bf5c108-Wise, Allison]; Marraccini, Davina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=66fecfe52dc84d8db7ab0859adee8426-Marraccini, Davina]; Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd4f64488]; Leuck, Lauren D CIV USARMY HQDA ASA CW (USA) [lauren.d.leuck.civ@army.mil]; Cardwell, Henry E (Hal) CIV USARMY CEIWR (USA) [henry.e.cardwell.civ@army.mil]; Brister, Jacob G CIV USARMY CEMVK (USA) [Jacob.G.Brister@usace.army.mil]; Prestwood, Deanna J (Anna) CIV USARMY CEMVD (USA) [DeAnna.J.Prestwood@usace.army.mil]; Victoria.W.Mcrae@usace.army.mil; Frazer, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=572986d047624669891da90708433da1-Brian Frazer]; Jensen, Stacey M CIV USARMY HQDA ASA CW (USA) [stacey.m.jensen.civ@army.mil]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Diaz, Denisse [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c334462ce64c44579d9559064e38b5ce-Diaz, Denisse]

CC: Shumway, Laura (she/her/hers) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ede2082be10a4724b507e9fd6a6a9a4b-Lovgren, La]; Sisneros, William D CIV USARMY CEMVK (USA) [William.D.Sisneros@usace.army.mil]; McGill, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=658c6d5fd504462594aecdb5eca57661-Mcgill, Thomas]

Start: 4/12/2023 6:00:00 PM
End: 4/12/2023 7:00:00 PM

Recurrence: (none)

Appointment

From: Google Calendar [calendar-notification@google.com]
on behalf of valentina.pereda@civicnation.org [valentina.pereda@civicnation.org]
Sent: 9/22/2022 1:21:37 PM
To: Nikhil Swaminathan [nswaminathan@grist.org]; Natasha Berman [nberman@grist.org]; Mustafa Santiago Ali [mustafa.santiago.ali@gmail.com]; Rhonda Thompson [rthompson@psequity.org]; Nathaniel Smith [nsmith@psequity.org]; Blackman, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d23b8c4df5444b61a6e606ff2fc49e10-Blackman, D]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Frances Colon [fcolon@americanprogress.org]; Hannah Malus [hmalus@americanprogress.org]; Sally Hardin [shardin@americanprogress.org]; Genna Cifelli [gcifelli@americanprogress.org]; Ashlynn Profit [ashlynn@civicnation.org]; Amanda Hollowell [amanda.hollowell@civicnation.org]; Allyson Park [allyson.park@civicnation.org]

Subject: Updated invitation: State of Environmental Justice Twitter Space: When We All... @ Thu Sep 22, 2022 4pm - 4:45pm (EDT) (jenkins.brandi@epa.gov)
Attachments: invite.ics
Location: weall.vote/environmentaljustice

Start: 9/22/2022 8:00:00 PM
End: 9/22/2022 8:45:00 PM
Show Time As: Tentative

Recurrence: (none)

This event has been updated

Changed: location, conferencing, description

Description

Twitter Space login link --> weall.vote/environmentaljustice
Make sure you are logging in from your phone!

Follow:
@WhenWeAllVote
@Grist

Briefing HERE

When

Thursday Sep 22, 2022 · 4pm – 4:45pm (Eastern Time - New York)

Location

weall.vote/environmentaljustice
View map

Guests

valentina.pereda@civicnation.org - organizer
Nikhil Swaminathan
Natasha Berman
Mustafa Santiago Ali
Rhonda Thompson
Nathaniel Smith
blackman.daniel@epa.gov
jenkins.brandi@epa.gov
Frances Colon
Hannah Malus
Sally Hardin
Genna Cifelli
Ashlynn Profit
Amanda Hollowell
Allyson Park
View all guest info

Reply for jenkins.brandi@epa.gov

Maybe	No	Yes

More options

Message

From: Hudson, Wanda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6BA5D3E618BC4D729BE6D025D4B1D7CF-HUDSON, WANDA]
Sent: 12/19/2022 7:45:30 PM
To: Marraccini, Davina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=66fecfe52dc84d8db7ab0859adee8426-Marraccini, Davina]
CC: Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Pinkney, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2ad5205dcbc48f5a73d36142bbba18c-Pinkney, James]; Wise, Allison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=763a1079917346d1a4f504dc8bf5c108-Wise, Allison]
Subject: Incoming Correspondence - no action required
Attachments: Samet 12-16-22_FYI.pdf

The attached has been forwarded to the region through CMS as a FYI or as a courtesy copy. I am forwarding it to you for awareness only. No further action by the region is required.

Allison should you continue to receive information re: controls?

Wanda E. Hudson
Administrative Officer (Detail)
Water Division
(404) 562-9351

Fri Dec 16 16:32:01 EST 2022
EPAExecSec <EPAExecSec@epa.gov>
FW: Fast-tracked One Lake Project will exacerbate Jackson's Water Crisis
To: "CMS.OEX" <cms.oex@epa.gov>

Reading file

From: Melissa Samet <sametm@nwf.org>
Sent: Friday, December 16, 2022 4:07 PM
To: Regan, Michael <Regan.Michael@epa.gov>; Blackman, Daniel <Blackman.Daniel@epa.gov>
Cc: Fox, Radhika <Fox.Radhika@epa.gov>; Nicholson, John <Nicholson.John@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Sabater, Juan <Sabater.Juan@epa.gov>; Ainslee.William@epa.gov
Subject: Fast-tracked One Lake Project will exacerbate Jackson's Water Crisis

Dear Administrator Regan and Regional Administrator Blackman:

Please see the attached letter to Jackson's Interim Third Party Manager, Mr. Ted Henifin, that highlights the ways in which the Pearl River One Lake project would greatly exacerbate Jackson's Water Crisis. In this letter, the National Wildlife Federation, Audubon Delta, Pearl Riverkeeper, Healthy Gulf, and Sierra Club urge Mr. Henifin to work with EPA and the Army Corps to prevent construction of this dangerous project.

Please don't hesitate to reach out to me if you have any questions or would like additional information.

Thank you.

Melissa Samet

Legal Director, Water Resources and Coasts

National Wildlife Federation

(o) 415-762-8264

(c) 415-577-9193

sametm@nwf.org

December 16, 2022

Via Email

Edward Henifin
Interim Third-Party Manager
Surface and Groundwater Systems and Water/Sewer Business Administration Division
City of Jackson, Mississippi

Re: The Pearl River "One Lake" Project Would Exacerbate the Water Crisis in Jackson, Mississippi

Dear Mr. Henifin:

Our conservation organizations write to urgently call your attention to a proposed water resources project that would greatly exacerbate the dire drinking and wastewater public health emergency plaguing the City of Jackson's residents and businesses. Review of this project, the Pearl River Flood Risk Management Project ("One Lake"), is currently being fast-tracked by the U.S. Army Corps of Engineers, which recently committed $221 million for project construction.

Our organizations urge you to work with the U.S. Environmental Protection Agency and Army Corps of Engineers to prevent construction of the One Lake project which, as detailed below, would exacerbate the City's appalling and fundamentally unjust water crisis. Equitable, effective, and environmentally sustainable natural and nature-based solutions are available to reduce flood risks in the Greater Jackson area. One Lake would only serve to deliver more environmental injustice, particularly to local communities of color.

Our organizations have a long history of working to protect the Pearl River Basin, its wildlife, and its encompassing communities in Mississippi and Louisiana. We also have a deep knowledge of the dangers posed by the One Lake project, which would dredge and transform a 10 mile stretch of the Pearl River into a 1,900-acre impoundment. This project would cause irreparable harm to the Pearl River ecosystem by directly destroying more than 2,500 acres of floodplain habitat, including at least 1,500 acres of vital bottomland hardwood wetlands; and eliminating 1,900 acres of diverse in-stream riverine habitats and ecologically vital small streams. The project would also expose vulnerable, predominantly Black communities to high levels of toxins; reduce water quality, raise water temperatures, and compromise downstream flows in the Pearl River; worsen flash flooding in tributary streams that flow through the City of Jackson, particularly impacting mostly Black neighborhoods; and

induce new development in high risk flood areas, thereby placing more people, homes, businesses, and properties in harm's way.

Critically, the One Lake project would exacerbate the City of Jackson's entrenched water problems, including by compromising Jackson's secondary drinking water treatment plant, the J.H. Fewell plant. As you are aware, the 100-year-old J.H. Fewell plant supplies up to 30% of Jackson's drinking water and was able to operate throughout the recent crisis caused by the failure of the City's main water treatment plant, the O.B. Curtis plant. The One Lake project would exacerbate the City's entrenched water problems, including by:

- **Forcing the City of Jackson to find an alternative source for 30% of Jackson's water supply for at least three to four years.** The J.H. Fewell plant draws water directly from the area in the Pearl River that would be extensively dredged and ponded to build One Lake. Project construction would increase turbidity in the Pearl River to the point where the J. H. Fewell plant will not be able to operate, as acknowledged in the project's Draft Environmental Impact Statement (Draft EIS).[1] As a result, the City of Jackson would be required to somehow find a "temporary" water supply alternative for 30% of the City's drinking water during project construction,[2] which would take at least "three or four years" according to the project's local sponsor.[3]

- **Adversely affect long-term operation of the J.H. Fewell plant and public health by further degrading water quality in the Pearl River.** By transforming 10 miles of flowing Pearl River into a 1,900-acre slow-moving impoundment, the One Lake project would further degrade the River's water quality, including by trapping billions of gallons of raw sewage, toxics, and other pollutants.[4] From just April to June of this year, 56.5 million gallons of raw sewage were discharged into 6 of the tributaries that flow into the One Lake project area.[5] In 2021, 64.5

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[1] Integrated Draft Feasibility & Environmental Impact Statement, Pearl River Basin, Mississippi, Federal Flood Risk Management Project Hinds & Rankin Counties, MS (June 13, 2018) (Draft EIS), Appendix C, Engineering at 16 ("Other immediate effects that may result from construction of the proposed project could include a temporary loss of the secondary water supply intake for the City of Jackson. Jackson utilizes an existing water treatment plant which is located on the Pear River at a location scheduled for dredging and development of the [One Lake project]. The water treatment plant is used as a secondary source and backup water supply source for the City. The dredging of sediments and subsurface soils in the Pearl River could potentially increase the turbidity of the surface waters to levels unacceptable for human consumption; therefore, the City of Jackson would need to evaluate a temporary water supply alternatives [sic] during the duration of dredging and construction activities.")

[2] Id.

[3] Northside Sun, Moving Ahead: Final Public Comment Period For One Lake Coming Soon, 06/14/22 (available at https://www.northsidesun.com/local-content-top-stories/moving-ahead-final-public-comment-period-one-lake-coming-soon#sthash.bggohcen.dpbs)("Keith Turner, attorney for the Rankin-Hinds Pearl River Flood & Drainage Control District said . . . After funding is secured, the project will require three or four years of construction, and then several more years for developers to produce plans for the economic development component.")

[4] The Pearl River is currently listed as an impaired water on Mississippi's Clean Water Act section 303(d) list, is classed as eutrophic, has a nutrient TMDL, and has been under a Mississippi Department of Environmental Quality water contact advisory for four years due to the presence of sewage bacteria.

[5] City of Jackson Sewer Consent Decree Quarterly Report for April-June 2022 (14.7 million gallons to Lynch Creek; 23.1 million gallons to Town Creek; 8.8 million gallons to Hanging Moss Creek; 4 million gallons to Belhaven Creek; 4 million gallons to Eastover Creek; and 1.9 million gallons to Eubanks Creek). As you know, the City of Jackson has

million gallons of raw sewage were discharged into the One Lake project area.[6] Many facilities regularly discharge toxic pollutants into the One Lake project area,[7] and construction of One Lake will directly affect 3 highly contaminated toxic waste sites and resuspend highly contaminated sediments.[8] One Lake also is expected to affect up to 5 additional highly contaminated sites, including a remediated Superfund site.[9]

- **Increasing flooding along Pearl River tributaries that flow through the City.** The One Lake impoundment will permanently elevate water levels in portions of the Pearl River tributaries that flow through Jackson, a problem recognized in the Draft EIS.[10] This will further exacerbate localized flash flooding, increase underserved neighborhoods' vulnerability to backwater flooding from high river events, and magnify flood risk from rain events in the upper reaches of the tributaries that ultimately flow into the now-elevated creek channels. Affected tributaries include those that regularly experience flash flooding, run through environmental justice communities, and pass by public schools, museums, and other important community facilities and resources. The elevated water levels and increased flooding will also add to the City's many stormwater permit violations. Urban stormwater flooding already affects mainly Black neighborhoods located along Town Creek and Lynch Creek, which are Pearl River tributaries that flow through majority Black census tracts in downtown Jackson.

- **Placing unacceptable economic burdens on low-income and other residents who will be forced to pay for the project's substantial non-federal cost share, and diverting scarce resources away from addressing the City's water crisis and tributary flooding**. Thirty-five percent of the costs of constructing the One Lake project—an absolute minimum of $121 million—plus 100% of the costs of operating, maintaining, and rehabilitating the project must be paid by the non-federal sponsor. These funds are expected to come from a tax levied on the

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been under a federal consent decree since 2013 due to extensive problems with the City's wastewater collection and treatment system. The Consent Decree, all reports, and related documents can be accessed at https://www.cojcd.org/document-library.

[6] These discharges resulted from 205 Sanitary Sewer Overflows.

[7] The Draft EIS acknowledges that toxics are present in sites located in or near the Project Area, including: Benzene, barium, cadmium, cobalt, creosote residuals, lead, lindane, manganese, mercury, nickel, raw sewage, sodium pentachlorophenate, pentachlorophenol (PCP), phenyl mercuric acetate, polynuclear aromatic hydrocarbons (PAHs), and zinc. Draft EIS, Appendix C (Environmental Evaluation of Hazardous, Radioactive, and Toxic Waste (HTRW) Sites). E.g., Draft EIS at 91 ("Creosote residuals were disposed or released to backwater sloughs of the Pearl River adjacent to the west side of the site. Creosote residuals continue to exist in sediments in the slough and potentially in groundwater beneath the former facility treatment area adjacent to the slough."); Draft EIS at 138-139 (Numerous facilities discharge toxics into the Project Area, including the Entergy Rex Brown Plant which discharges cooling water, storm water runoff, low volume wastewater, oil and grease, pH, TSS, temperature, total residual chlorine, chromium, and zinc into a tributary located within the area to be impounded).

[8] Draft EIS Appendix C, Engineering, Environmental Analysis of HTRW Sites (Gulf States Creosoting Company Site and the Creosote Slough, Gallatin Street Dump Site, Lefleurs Landing Site also known as the Jefferson Street Landfill).

[9] Draft EIS Appendix C, Engineering, Environmental Analysis of HTRW Sites (Sonford Products Lumber Mill Superfund Site, Rival Manufacturing Company, and multiple automotive junkyards).

[10] Draft EIS, Appendix C, Engineering Hydrologic and Hydraulic Analysis at 32-36.

residents of Jackson.[11] The Draft EIS estimates that the project will cost $345.85 million to construct.[12] The actual costs—and as a result, the non-federal cost share—will be much higher as the current estimate does not account for such things as: the costs of required toxic remediation for up to 8 highly contaminated sites; the Mississippi Department of Transportation's request that the project cover the costs of replacing 9 bridges threatened by collapse if One Lake is constructed; the development and implementation of a plan to protect public health; the true costs of the mandatory environmental mitigation; and additional costs that will be revealed during the detailed technical design process for the project.[13] Such a tax would disproportionately burden low-income residents, and divert extremely limited resources away from addressing the City's water crisis and many other problems.

It is equally clear that the One Lake project would not have prevented Jackson's most recent crisis, which was caused by the collapse of the City's primary water treatment plant, the O.B. Curtis plant, which supplies up to 70% of Jackson's drinking water supply. That collapse was caused by flood-induced high turbidity (and other polluted runoff) in the Ross Barnett Reservoir, which is the water source for the O.B. Curtis plant and is located seven miles upstream of the proposed One Lake project. The One Lake project has no ability to—and will not—alleviate flood-induced high turbidity in the Reservoir.

Our organizations ask you to work with the U.S. Environmental Protection Agency and Army Corps to ensure that this dangerous project is not constructed. Instead of advancing this or any similarly dangerous project that would exacerbate the City's appalling and unjust water crisis, federal agencies should work to rectify the City's water crisis and implement non-structural, natural and nature-based solutions that can provide sustainable, equitable, and environmentally sound flood mitigation for the Greater Jackson area. Our organizations stand ready to support such an effort.

We welcome the opportunity to provide a briefing for you and your team to detail our concerns and discuss how our organizations can best support your work. If this would be of interest or if you have any questions or would like additional information, please reach out to Melissa Samet, Legal Director Water Resources and Coasts for the National Wildlife Federation at sametm@nwf.org.

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[11] MS Code § 51-35-333 (2017) gives local drainage districts—including the One Lake project's non-federal sponsor, the Rankin-Hinds Pearl River Flood Control and Drainage District—the authority to raise property taxes to cover the costs of a "flood and drainage control improvement project" by levying "a special improvement assessment" on "property in the district that is directly or indirectly benefited by the project."

[12] Draft EIS at xii-xiv.

[13] Letter from the Mississippi Department of Transportation to the Rankin-Hinds Pearl River Flood & Drainage Control District (September 5, 2018)(If the One Lake Project moves forward "all nine (9) bridges will need to be replaced and the cost to replace the nine (9) bridges should be reflected in the cost of the Pearl River Basin Federal Flood Risk Management Project.").

Thank you for your careful consideration of our request.

Sincerely,

Melissa Samet
Legal Director, Water Resources and Coasts
National Wildlife Federation

Jill Mastrototaro
Mississippi Policy Director
Audubon Delta

Andrew Whitehurst
Water Program Director
Healthy Gulf

Abby Braman
Executive Director
Pearl Riverkeeper

Louie Miller
State Director
Mississippi Chapter of the Sierra Club

cc: The Honorable Bennie G. Thompson, Mississippi 2nd Congressional District
The Honorable Michael S. Regan, Administrator, U.S. Environmental Protection Agency
The Honorable Michael Connor, Assistant Secretary of the Army (Civil Works)
Daniel Blackman, Regional Administrator, Region 4, U.S. Environmental Protection Agency
Jaime A. Pinkham, Principal Deputy Assistant Secretary of the Army (Civil Works)
John Nicholson, Chief of Staff, Region 4, U.S. Environmental Protection Agency
James Austin, Acting Field Supervisor, Mississippi Field Office, U.S. Fish and Wildlife Service

Message

From: Feingold, Amy (she/her/hers) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=97568EFCC12E4438A474BAACFB282405-FEINGOLD, AMY]
Sent: 2/10/2023 6:40:08 PM
To: Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Marraccini, Davina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=66fecfe52dc84d8db7ab0859adee8426-Marraccini, Davina]; Wise, Allison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=763a1079917346d1a4f504dc8bf5c108-Wise, Allison]
Subject: FYI: Updated attendees list for YBA roundtables
Attachments: Copy of YBA February Roundtable Attendance Trackerv2.xlsx

From: Jensen, Stacey M CIV USARMY HQDA ASA CW (USA) <stacey.m.jensen.civ@army.mil>
Sent: Friday, February 10, 2023 1:38 PM
To: Feingold, Amy (she/her/hers) <Feingold.Amy@epa.gov>; Brister, Jacob G CIV USARMY CEMVK (USA) <Jacob.G.Brister@usace.army.mil>; Lyles-Quinn, Cynthia V CIV USARMY HQDA ASA CW (USA) <cynthia.v.lyles-quinn.civ@army.mil>
Subject: Updated attendees list for YBA roundtables

FYI – see attached for updated attendees list for the roundtables.

Best wishes,

Stacey M. Jensen
NEW: stacey.m.jensen.civ@army.mil
Acting Director of Policy and Legislation
Office of the Assistant Secretary of the Army (Civil Works)
703-459-6026

NAME	AFFILIATION
ASA(CW) Connor	Army Civil Works
Stacey Jensen	Army Civil Works
Cynthia Lyles-Quinn	Army Civil Works
Hal Cardwell	Army Civil Works
Jeaneanne Gettle	EPA Region 4
Brandi Jenkins	EPA Region 4
Brian Frazer	HQ EPA
Laura Shumway	HQ EPA
Amy Feingold	HQ EPA
Davina Mancini	EPA Region 4
Denisse Diaz/Joel Hansel	EPA Region 4
	Notetaker
	ASL Interpreter

NAME
REP Thompson
REP Thompson staffers
SEN Wicker staffers
SEN Hyde-Smith staffers

NAME	EMAIL
Paul Hollis	hollisfarms@gmail.com
Eldridge Walker	walkerfuneraldirector@gmail.com
Linda Williams Short	wlindaw1@bellsouth.net
Shawn Jackson	sjackson@co.warren.ms.us
Joseph Thomas	jthomas@senate.ms.gov
Rufus Straughter	rstraughter@house.ms.gov, rufusstraughter@gmail.com
Willie Bailey	wbailey@house.ms.gov, leebailey@suddenlinkmail.com
Phyllis Adams	Phyllis.harris1948@gmail.com
Waye Windham	waye.windham@yahoo.com
Briggs Hopson	bhopson@tellerlaw.com
Kevin Ford	kford@house.ms.gov
Roy Nichols	rnichols@deltaland.net

AFFILIATION	YES	NO
Levee Commissioner Sharkey County	X	
Mayor of Rollikng Fork	X	
Mayor of Mayersville	X	
Warren County Board of Supervisors	X	
MS State Senator	X	
MS State Representative	X	
MS State Representative		
Mayor of Cary		
Sherriff Issaquena County	X	
State Senator		
State Representative		
Levee Commissioner Issaquena County		

NAME
Hank Burdine
John Phillips
Ted Kendall IV
Chris Wells, Director
Lieutenant Colonel (R) Stephen C. McCraney, Executive Director
John Elfer, Director
Dr. Jeff Holland
Royce Steed
Frank Eason
Larry Short
Jack Willingham
Commissioner Gipson

EMAIL
hankburdine@gmail.com
jfp@phillipsfarms.us

CWELLS@mdeq.ms.gov
ajasper@mema.ms.gov
johne@co.warren.ms.us
jholland@co.warren.ms.us
Humphreyse911@bellsouth.net; rsteed@humphreyscounty.org
sharkeycoema@gmail.com
Wlindaw1@bellsouth.net
yazoocoema@yazoocountyms.gov
andy@mdac.ms.gov

AFFILIATION	YES	NO
MS Ag Commissioner	X	
Delta Council	X	
Central MS VP of MSFBF	X	
Mississippi Department of Environmental Quality		
Mississippi Emergency Management Agency		
Warren County Emergency Management Agency	X	
Warren County Emergency Management Agency	X	
Humphreys County Emergency Management Agency	X	
Sharkey County Emergency Management Agency		
Issaquena County Emergency Management Agency		
Yazoo County Emergency Management Agency		
Ag Commissioner MDAC MS	X	

NAME	CONTACT INFO	AFFILIATION	YES
Dr. Jerry Young	president@nationalbaptist.com	President National Baptist Convetion	
Willie Griffin	wgriffinlawyer@aol.com	Attorney	X
Melvin Sias	msias@southdelta.k12.ms.us	South Delta School Board	X
Charles Taylor	ctaylor@naacpms.org	Executive Director of MS NAACP	X
Ty Pinkins	ty@typinkins.com	The Pyramid Project/MS Center for Justice	
Tracy Harden	tracyharden@ymail.com		X
Ann Dahl	jeanneneann@gmail.com		X
Victoria Darden Garland	torilyn09@gmail.com		X

NO

NAME	EMAIL
Jill Mastrototaro and Dawn O'Neal	Jill.Mastrototaro@audubon.org; dawn.oneal@audubon.org
Louie Miller	Louie.Miller@sierraclub.org
Andrew	andrew@healthygulf.org
J Cummins	jcummins@wildlifemiss.org
Melissa Samet	sametm@nwf.org
Dorothy	odorothy@americanrivers.org
Jimmy Hague	james.hague@tnc.org
Kim Lutz	kim.lutz@americaswatershed.org
Rebecca Power	rpower@wffmail.com
Ashlee Smith	asmith@mswf.org
Alex Littlejohn and Justin Brooks	alittlejohn@tnc.org and justin.brooks@tnc.org
Ed Penny	epenny@ducks.org
Tim Huggins	tim@deltawildlife.org

AFFILIATION	YES	NO
Audubon	X	
Sierra Club		
Healthy Gulf	X	
Wildlife Mississippi		
NWF	X	
American Rivers	X	
TNC		X
America's Watershed		X
Walton Family Foundation		X
MS Wildlife Federation	X	
TNC	X	
Ducks Unlimited		
Delta Wildlife		

Message

From: Jones, Aaryn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C2BED08A5BD54DC5A9D59C5A345C9892-JONES, AARYN]
Sent: 2/17/2023 7:56:42 PM
To: Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Holtzclaw, Brian (he/him/his) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a3acfdde60f45ad84f4940322849df3-Holtzclaw, Brian]; McCullough, Rachel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=582ca17d54b940439e62126336b3693b-McCullough, Rachel]
Subject: FW: Registration Update: PFAS Community Engagement Sessions
Attachments: PFAS Community Engagement Registrations 2.17.xlsx

Just FYI on the first three Regions' registrants so far, and w/in the spreadsheet, you can see how many were interested to sign up to speak during the listening sessions.

From: Isabel Zimmerman <izimmerman@lrginc.com>
Sent: Friday, February 17, 2023 2:51 PM
To: Aliu, Dorina <Aliu.Dorina@epa.gov>; Cassidy, Meghan (she/her/hers) <Cassidy.Meghan@epa.gov>; Forbes, Emma (she/her/hers) <Forbes.Emma@epa.gov>; Harris, Kimberly <harris.kimberly@epa.gov>; Hinton, Connor <Hinton.Connor@epa.gov>; Jones, Aaryn <Jones.Aaryn@epa.gov>; Mohollen, Laura (she/her/hers) <Mohollen.Laura@epa.gov>; Morton, Michael <Morton.Michael@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>; Robichaud, Jeffery <Robichaud.Jeffery@epa.gov>; Rogers, Rick <rogers.rick@epa.gov>; Small, Matthew <Small.Matthew@epa.gov>; Szerlog, Michael (he/him/his) <Szerlog.Michael@epa.gov>
Cc: Grace Marvin <gmarvin@lrginc.com>; Klasen, Matthew (he/him/his) <Klasen.Matthew@epa.gov>
Subject: Registration Update: PFAS Community Engagement Sessions

Hello all,

Attached is a registration update for Regions 3, 7, and 8. These are registrations received as of about 2:30 PM ET today.

- Region 7: 89 registrants
- Region 8: 47 registrants
- Region 3: 166 registrants

We have also received about 40 new sign ups on the general information form since the first press release went out on Monday.

Thank you,

engaging people + communities
A HUBZone Certified Company

Isabel Zimmerman | *Communications Specialist*
She/Her
1201 3rd Avenue, 22nd Floor
Seattle, WA 98101
Direct: (202) 431-3484
lrginc.com

Message

From: Jones, Aaryn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C2BED08A5BD54DC5A9D59C5A345C9892-JONES, AARYN]
Sent: 2/24/2023 8:32:24 PM
To: Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]
Subject: FW: Registration Update: PFAS Community Engagements
Attachments: PFAS Community Engagement Registrations 2.24.xlsx

FYI – just so you can track general interest in the Regions w/ announced events. R3 has the most so far.

We get these updates every Friday from the OW contractor, so next week we'll see how ours is tracking.

From: Isabel Zimmerman <izimmerman@lrginc.com>
Sent: Friday, February 24, 2023 3:29 PM
To: Aliu, Dorina <Aliu.Dorina@epa.gov>; Cassidy, Meghan (she/her/hers) <Cassidy.Meghan@epa.gov>; Forbes, Emma (she/her/hers) <Forbes.Emma@epa.gov>; Harris, Kimberly <harris.kimberly@epa.gov>; Hinton, Connor <Hinton.Connor@epa.gov>; Jones, Aaryn <Jones.Aaryn@epa.gov>; Mohollen, Laura (she/her/hers) <Mohollen.Laura@epa.gov>; Morton, Michael <Morton.Michael@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>; Robichaud, Jeffery <Robichaud.Jeffery@epa.gov>; Small, Matthew <Small.Matthew@epa.gov>; Szerlog, Michael (he/him/his) <Szerlog.Michael@epa.gov>
Cc: Grace Marvin <gmarvin@lrginc.com>; Klasen, Matthew (he/him/his) <Klasen.Matthew@epa.gov>
Subject: Registration Update: PFAS Community Engagements

Hi all –

Attached is a registration update for Regions 3, 7, 8, and 10. The complete list of general sign ups is also included in this sheet. These are registrations received as of about 3 PM ET today.

- Region 7: 122 registered, 6 speaking
- Region 3: 407 registered, 16 speaking
- Region 8: 168 registered, 9 speaking
- Region 10: 121 registered, 5 speaking

Thank you,

lrg engaging people + communities
A HUBZone Certified Company

Isabel Zimmerman | *Communications Specialist*
She/Her
1201 3rd Avenue, 22nd Floor
Seattle, WA 98101
Direct: (202) 431-3484
lrginc.com

Appointment

From: Google Calendar [calendar-notification@google.com]
on behalf of valentina.pereda@civicnation.org [valentina.pereda@civicnation.org]
Sent: 9/20/2022 8:54:11 PM
To: Nikhil Swaminathan [nswaminathan@grist.org]; Natasha Berman [nberman@grist.org]; Mustafa Santiago Ali [mustafa.santiago.ali@gmail.com]; Rhonda Thompson [rthompson@psequity.org]; Nathaniel Smith [nsmith@psequity.org]; Blackman, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d23b8c4df5444b61a6e606ff2fc49e10-Blackman, D]; Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]; Frances Colon [fcolon@americanprogress.org]; Hannah Malus [hmalus@americanprogress.org]; Sally Hardin [shardin@americanprogress.org]; Genna Cifelli [gcifelli@americanprogress.org]; Ashlynn Profit [ashlynn@civicnation.org]; Amanda Hollowell [amanda.hollowell@civicnation.org]; Allyson Park [allyson.park@civicnation.org]

Subject: Invitation: State of Environmental Justice Twitter Space: When We All... @ Thu Sep 22, 2022 4pm - 4:45pm (EDT) (jenkins.brandi@epa.gov)
Attachments: invite.ics

Start: 9/22/2022 8:00:00 PM
End: 9/22/2022 8:45:00 PM
Show Time As: Tentative

Recurrence: (none)

Twitter Space login link --> weall.vote/environmentaljustice
Make sure you are logging in from your phone!

Follow:
@WhenWeAllVote
@Grist

When

Thursday Sep 22, 2022 · 4pm – 4:45pm (Eastern Time - New York)

Guests

valentina.pereda@civicnation.org - organizer
Nikhil Swaminathan
Natasha Berman
Mustafa Santiago Ali
Rhonda Thompson
Nathaniel Smith

Join with Google Meet

Meeting link

meet.google.com/qhf-rzot-brw

Join by phone

(US) +1 530-618-7025
PIN: 484425595

More phone numbers

blackman.daniel@epa.gov
jenkins.brandi@epa.gov
Frances Colon
Hannah Malus
Sally Hardin
Genna Cifelli
Ashlynn Profit
Amanda Hollowell
Allyson Park
View all guest info

Reply for jenkins.brandi@epa.gov

Yes	No	Maybe

More options

Organizer:	valentina.pereda@civicnation.org : valentina.pereda@civicnation.org
Subject:	State of Environmental Justice Twitter Space: When We All Vote/ Grist
Location:	
Start Time:	2022-09-22T20:00:00Z
End Time:	2022-09-22T20:45:00Z
Attendees:	Nikhil Swaminathan : nswaminathan@grist.org, Natasha Berman : nberman@grist.org, Mustafa Santiago Ali : mustafa.santiago.ali@gmail.com, Rhonda Thompson, rthompson@psequity.org, Nathaniel Smith : nsmith@psequity.org, blackman.daniel@epa.gov : blackman.daniel@epa.gov, jenkins.brandi@epa.gov, jenkins.brandi@epa.gov, Frances Colon : fcolon@americanprogress.org, Hannah Malus : hmalus@americanprogress.org, Sally Hardin, shardin@americanprogress.org, Genna Cifelli : gcifelli@americanprogress.org, Ashlynn Profit : ashlynn@civicnation.org, Amanda Hollowell, amanda.hollowell@civicnation.org, Allyson Park : allyson.park@civicnation.org, valentina.pereda@civicnation.org : valentina.pereda@civicnation.org

Twitter Space login link --> weall.vote/environmentaljustice
Make sure you are logging in from your phone!

Follow:
@WhenWeAllVote
@Grist

-::~:~::~::~:~::-
Join with Google Meet: https://meet.google.com/qhf-rzot-brw
(US) +1 530-618-7025 PIN: 484425595#
More phone numbers: https://tel.meet/qhf-rzot-brw?pin=3999583170900&hs=7

View your event at
https://calendar.google.com/calendar/event?action=VIEW&eid=NWkyMWpuY2NxdmhxZzZ0bGJzZHVs
Y3MyY3IgamVua2lucy5icmFuZGIAZXBhLmdvdg&tok=MzIjdmFsZW50aW5hLnBlcmVkYUBjaXZpY25hd
GIvbi5vcmcyMDBlMWFiZGZhMzBhNWU1NzYyOTdkY2VjZjAxODkwMzE2OTMxYjEz&ctz=America%2F
New_York&hl=en&es=1.

Please do not edit this section.
-::~:~::~::~:~::-

OHIO RIVER VALLEY WATER SANITATION COMMISSION
an interstate agency representing:
Illinois · Indiana · Kentucky · New York · Ohio · Pennsylvania · Virginia · West Virginia

Contact: Annette Shumard
Communications and Environmental Education Manager
ORSANCO
513-231-7719 Ext. 115
ashumard@orsanco.org

ORSANCO COMPLETES PROJECT TO SAMPLE PFAS LEVELS IN THE OHIO RIVER

Extensive Partnership with ORSANCO Member States, US Environmental Protection Agency, and US Geological Survey to Assess the Water Quality of the Ohio River

CINCINNATI, OHIO, June 16, 2022, The Ohio River Valley Water Sanitation Commission (ORSANCO) announced today that it has completed its project to sample the ambient levels of 28 per- and polyfluoroalkyl substances (PFAS) compounds in the Ohio River. This project design and completion is a result of an extensive partnership with ORSANCO's member states, the U.S. Environmental Protection Agency, and the US Geological Survey (USGS).

PFAS compounds are a group of thousands of human-made substances that have been used in firefighting foam and consumer products for decades. They can be found in almost everything that is stain or water-resistant, including Teflon pans and stain-resistant carpets, furniture, and clothing.

PFAS compounds are also found in personal care products such as dental floss, and in our food wrappings and containers. Because of their ubiquity in our environment, PFAS substances have been found in drinking water sources in parts-per-trillion amounts.

The purpose of the Ohio River PFAS Sampling Project is to assess the PFAS levels of the Ohio River. The data gathered through this project provides our federal and local partners with beneficial information to better understand Ohio River PFAS levels and to provide a valuable framework for understanding how PFAS levels may change over time in the river.

ORSANCO is partnered with the EPA on this effort and the project included sampling for 28 PFAS analytes, including PFOA, PFOS, and the PFAS chemical known as GenX. This project utilized the latest scientific sampling and analytical techniques to collect and analyze PFAS levels in the Ohio River.

ORSANCO completed sampling events at 20 Ohio River sites plus the Monongahela & Allegheny Rivers as part of the project; one in the summer of 2021 and one in the fall of 2021. ORSANCO's environmental scientists collected the samples utilizing equipment and collection methods that were developed with the USGS.

The sampling locations were randomly selected with the assistance of the USEPA's Corvallis, Oregon Laboratory. Their assistance in the selection process will help allow ORSANCO to conduct future sampling for important comparison. In addition, USEPA managed the analysis of the samples.

"This project highlights ORSANCO's unique ability to conduct very complex, scientific studies to better understand the water quality of the Ohio River. The effort also demonstrates ORSANCO's focus on strategic partnerships with agencies such as USEPA, USGS and its member states to conduct critical scientific Ohio River studies," said Richard Harrison, ORSANCO Executive Director.

"This project provides valuable information to our stakeholders and will serve as a baseline to be able to help determine the distribution of ambient PFAS levels in the Ohio River," said Mike Wilson, ORSANCO Chairman.

The project sampling results and an associated project report may be viewed on ORSANCO's website at www.orsanco.org.

# # #

Headquartered in Cincinnati, Ohio, ORSANCO is the interstate water pollution control agency for the Ohio River and its tributaries. Member states include Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia, and West Virginia. The federal government is also represented.

For further information, contact ORSANCO at 513-231-7719, or visit our website at www.orsanco.org.

ORSANCO
5735 Kellogg Ave
Cincinnati, OH 45230
(513) 231-7719
info@orsanco.org
www.orsanco.org

Message

From: Wise, Allison [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=763A1079917346D1A4F504DC8BF5C108-WISE, ALLISON]
Sent: 1/4/2023 7:48:50 PM
To: Pinkney, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2ad5205dcbc48f5a73d36142bbba18c-Pinkney, James]; Marraccini, Davina [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=66fecfe52dc84d8db7ab0859adee8426-Marraccini, Davina]; Wilborn, Janay [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=81b99a35c4d24e348fdcbebcf34da8ed-Wilborn, Ja]
CC: Jenkins, Brandi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9b3ea7aacd1a44c0ab3ee9a8f0a2ea3f-Jenkins, Brandi]
Subject: FW: Materials: Regional Administrators Meeting w ARDs+PADs: PM NAAQS Announcement
Attachments: PM Maps - 2022 proposal.pdf; Fine Particle Concentrations for Counties with Monitors.pdf; Projected Fine Particle Concentrations for Counties with Monitors in 2032.pdf; Regional Talking Points.docx; PM NAAQS 2022 - QAs - 1.4.23.docx; PM2.5 proposal tick tock 1-4 version (1).docx; PM NAAQS Comms Plan 2022_as of 1.4.23 (1).docx

For your awareness.

Allison

From: Regional Partnerships & Operations <RegionalOperations@epa.gov>
Sent: Wednesday, January 4, 2023 2:17 PM
To: Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Air Division Directors and Deputies <Air_Division_Directors_and_Deputies@epa.gov>; Career Public Affairs Directors <Career_Public_Affairs_Directors@epa.gov>
Cc: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Niebling, William <Niebling.William@epa.gov>; Millett, John <Millett.John@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Hooper, Daniel <hooper.daniel@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Ackerman, Stephanie <Ackerman.Stephanie@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Sharpe, Sarah <Sharpe.Sarah@epa.gov>; Nicholson, John <Nicholson.John@epa.gov>; Groarke, Jack <Groarke.Jack@epa.gov>
Subject: Materials: Regional Administrators Meeting w ARDs+PADs: PM NAAQS Announcement

All,

Attached are materials for today's OAR briefing on the PM NAAQS Announcement for RAs, Air DDs, and PADs.

These are the latest internal versions of PM proposal rollout materials. OAR will go through the rollout tick-tock and allow time for questions. The maps and lists (in pdf) haven't changed since last year. The talking points are comprehensive and consistent with what HQ will be using both pre- and post-announcement. They can be used for both heads up and follow up calls, and there are sections that folks may want to include or skip, depending on who's on the other end of the call. Folks may prefer to use the key points in the comms plan, since they're shorter. That's perfectly OK, too.

Thank you.

Appointment

From: Nicholson, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=323474BE18A3439E90B95D4E32FEDADE-NICHOLSON,]
Sent: 9/20/2022 8:55:33 PM

Subject: Tentative

Start: 9/22/2022 8:00:00 PM
End: 9/22/2022 8:45:00 PM
Show Time As: Tentative

Recurrence: (none)

Required Attendees: valentina.pereda@civicnation.org; Nikhil Swaminathan; Natasha Berman; Mustafa Santiago Ali; Rhonda Thompson; Nathaniel Smith; Blackman, Daniel; Jenkins, Brandi; Frances Colon; Hannah Malus; Sally Hardin; Genna Cifelli; Ashlynn Profit; Amanda Hollowell; Allyson Park

This event has been updated

Changed: location, conferencing, description

Description

Twitter Space login link --> weall.vote/environmentaljustice
Make sure you are logging in from your phone!

Follow:
@WhenWeAllVote
@Grist

Briefing HERE

When

Thursday Sep 22, 2022 â‹… 4pm â€“ 4:45pm (Eastern Time - New York)

Location

weall.vote/environmentaljustice
View map

Guests

valentina.pereda@civicnation.org - organizer
Nikhil Swaminathan
Natasha Berman
Mustafa Santiago Ali
Rhonda Thompson
Nathaniel Smith
blackman.daniel@epa.gov
jenkins.brandi@epa.gov
Frances Colon
Hannah Malus
Sally Hardin
Genna Cifelli
Ashlynn Profit
Amanda Hollowell
Allyson Park
View all guest info

Reply for blackman.daniel@epa.gov

Maybe	No	Yes

More options

Appointment

From: Nicholson, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=323474BE18A3439E90B95D4E32FEDADE-NICHOLSON,]
Sent: 11/17/2022 1:54:05 PM

Subject: Tentative

Start: 11/29/2022 4:00:00 PM
End: 11/29/2022 5:30:00 PM
Show Time As: Tentative

Required Attendees: Millan, Vanessa; Nunez, Alejandra; Kim, Eunjung; Macedonia, Jennifer; Benkeser, Anna; Mmitch3@gmu.edu; Cortez Russell, Loni; Carbonell, Tomas; Jakob, Avivah
Optional Attendees: mrauch@momscleanairforce.org; Smith, Grace Y.; Danielle.wright@nasrc.org; sam@evergreenaction.com; anowlan@edf.org; JSlaney@edf.org; Celerah Hewes; Ann Weeks; Janet McGovern; Martin Hayden; Spiller, Beia; dgreenbaum@healtheffects.org; Paul Billings; zachary.fabish@sierraclub.org; llynch@nrdc.org; Mahyar Sorour; smackler@bipartisanpolicy.org; matthew_davis@lcv.org; bdroessler@environmental-initiative.org; cstarr@eia-global.org; laura.bender@lung.org; Enobakhare, Rosemary; jackerly; thiggins@americanprogress.org; Rose Garr; cjenks@law.harvard.edu; patrick.drupp@sierraclub.org; David McCabe; ebechard@momscleanairforce.org; mreis@momscleanairforce.org; aherzog@hcwh.org; CROZAT, Matt; greed@ucsusa.org; Moltzen, Michael; Johnson, Dennis; Henning, Julie; Simon, Karl; Gunning, Paul; Lupinacci, Jean; Birnbaum, Rona; Newberg, Cindy; Akerman, Nancy; Cappel, Kirsten; Kee, Annie; Clouse, Matt; Camobreco, Vincent; De Figueiredo, Mark; Elger, Nicholas; Lacount, Melanie; Fisher, Brian; Marcy, Cara; Hathaway, Julia; Johnson, Travis; Bowker, George; Moss, Jacob; Conlin, Beth; Alpert, Adina; Lau, Patrick; Graff, Michelle; Gardarsdottir-Middleton, Thora; Kocchi, Suzie; Denny, Andrea; Smith, Alisa; White, Sharon; Enger, Tracy; Brown, Sheila D.; Cappuccilli, Eva; Durkin, Kim; Errico, Mary; Mitchell, Tracey; Hatcher, Caterina; Hamjian, Lynne; Bird, Patrick; Benoit, Eugene; Isenberg, Madeline; Freeman, Caroline; Toney, Anthony; Rinck, Todd; Watson, Marion; Reynolds, Mary; Lesane, Heidi; Rowson, David; Ashley, Jackie; Baumgart-Getz, Adam; Benedict, Kristen; Brachtl, Megan; Brockman, Larry; Damberg, Rich; Etchells, Elizabeth; Hemby, James; Johnson, Steffan; Koplitz, Shannon; Lasley, Benjamin; Naess, Liz (she/her/hers); Torres, Elineth; Wayland, Richard; Whitlow, Jeff; Roberts, Timothy-P; Marusiak, Eleanor; Hyde, Courtney; Dowdell, Edward (Ned); Thompson, Ashley; Shaw, Betsy; Weaver, Susannah; Biton, Leiran; Greene, Cynthia; Shoaff, John; Profeta, Timothy; Grumet, Stephanie; Mulderrig, Conor; Riley, Alison; Acevedo, Frank; Nwia, Jacqueline; Bertram, Emily; Non-Career_Regional_Administrators; Air Division Directors and Deputies; Schreiner, Molly; Becker, KC; Smith, Mark A.; Lucey, John; Ortiz, Adam; Dunkins, Robin; Helen Walter-Terrinoni; Viswanathan, Krishna; Trevor Higgins; Kaufman, Amanda; Petuya, Lauren; Nance, Earthea; jtauber@earthjustice.org; Shyamala.rajan@lung.org; Athena Motavvef; Compton, Kathleen

-----Original Appointment-----
From: Millan, Vanessa <Millan.Vanessa@epa.gov>
Sent: Tuesday, November 8, 2022 4:22 PM
To: Millan, Vanessa; Nunez, Alejandra; Kim, Eunjung; Macedonia, Jennifer; Benkeser, Anna; Mmitch3@gmu.edu; Cortez Russell, Loni; Carbonell, Tomas; Jakob, Avivah
Cc: mrauch@momscleanairforce.org; Smith, Grace Y.; Danielle.wright@nasrc.org; sam@evergreenaction.com; Janet McGovern; Martin Hayden; dgreenbaum@healtheffects.org; Paul Billings; zachary.fabish@sierraclub.org; llynch@nrdc.org; Mahyar Sorour; smackler@bipartisanpolicy.org; matthew_davis@lcv.org; bdroessler@environmental-initiative.org; cstarr@eia-global.org; laura.bender@lung.org; Enobakhare, Rosemary; jackerly; thiggins@americanprogress.org; Rose Garr; cjenks@law.harvard.edu; patrick.drupp@sierraclub.org; David McCabe; ebechard@momscleanairforce.org; mreis@momscleanairforce.org; aherzog@hcwh.org; CROZAT, Matt; greed@ucsusa.org; Moltzen, Michael; Johnson, Dennis; Henning, Julie; Simon, Karl; Gunning, Paul; Lupinacci Rausch, Jean; Birnbaum, Rona; Newberg, Cindy; Akerman, Nancy; Cappel, Kirsten; Kee, Annie; Clouse, Matt; Camobreco, Vincent; De Figueiredo, Mark; Elger, Nicholas; Lacount, Melanie; Fisher, Brian; Marcy, Cara; Hathaway, Julia; Johnson, Travis;

Bowker, George; Moss, Jacob; Conlin, Beth; Alpert, Adina; Lau, Patrick; Graff, Michelle; Gardarsdottir-Middleton, Thora; Kocchi, Suzie; Denny, Andrea; Smith, Alisa; White, Sharon; Enger, Tracy; Brown, Sheila D.; Cappuccilli, Eva; Durkin, Kim; Errico, Mary; Mitchell, Tracey; Hatcher, Caterina; Hamjian, Lynne; Bird, Patrick; Benoit, Eugene; Isenberg, Madeline; Freeman, Caroline; Toney, Anthony; Rinck, Todd; Watson, Marion; Reynolds, Mary; Lesane, Heidi; Rowson, David; Ashley, Jackie; Baumgart-Getz, Adam; Benedict, Kristen; Brachtl, Megan; Brockman, Larry; Damberg, Rich; Etchells, Elizabeth; Hemby, James; Johnson, Steffan; Koplitz, Shannon; Lasley, Benjamin; Naess, Liz (she/her/hers); Torres, Elineth; Wayland, Richard; Whitlow, Jeff; Roberts, Timothy-P; Marusiak, Eleanor; Hyde, Courtney; Dowdell, Edward (Ned); Thompson, Ashley; Shaw, Betsy; Weaver, Susannah; Biton, Leiran; Greene, Cynthia; Shoaff, John; Profeta, Timothy; Grumet, Stephanie; Mulderrig, Conor; Riley, Alison; Acevedo, Frank; Nwia, Jacqueline; Bertram, Emily
Subject: NGOs & Public Health & Office of Air and Radiation's IRA Stakeholder Discussion
When: Tuesday, November 29, 2022 11:00 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: https://usepa.zoomgov.com/j/1601813017

Meeting: This is a virtual roundtable conversation with EPA around the Office of Air and Radiation's provisions in the Inflation Reduction Act.
Date/ Time: Tuesday, Nov. 29, 11:00am-12:30pm EST
Zoom Link: https://usepa.zoomgov.com/j/1601813017
Overview: We are excited to hear your perspectives, priorities, and feedback as we embark on this critical priority. A Request for Information (RFI) was published that includes non-regulatory dockets to provide answers to questions OAR has authored for stakeholders to respond to. The list of discussion questions and dockets can be found HERE.

IRA Provisions Covered:

- Clean Heavy-Duty Vehicles [60101]
- Grants to Reduce Air Pollution at Ports [60102]
- Diesel Emissions Reduction [60104]
- Funding to Address Air Pollution – Fenceline Monitoring [60105(a)]
- Funding to Address Air Pollution – Multipollutant Monitoring [60105(b)]
- Funding to Address Air Pollution – Air Quality Sensors [60105(c)]
- Funding to Address Air Pollution – Emissions from Wood Heaters [60105(d)]
- Funding to Address Air Pollution – Methane Monitoring [60105(e)]
- Funding to Address Air Pollution – Clean Air Act Grants [60105(f)]
- Funding to Address Air Pollution – Mobile Source Grants [60105(g)]
- Funding to Address Air Pollution at Schools [60106]
- Low Emissions Electricity Program [60107]
- Funding for Section 211(O) of the Clean Air Act - RFS [60108]
- Funding for Implementation of American Innovation and Manufacturing Act [60109]
- GHG Corporate Reporting [60111]
- Methane Emissions Reduction Program [60113]
- Climate Pollution Reduction Grants [60114]

(THIS LISTENING SESSION WILL NOT INCLUDE A DISCUSSION OF THE GREEN HOUSE GAS REDUCION FUND.)

Message

From: Abby Braman [pearlriverkeeper@gmail.com]
Sent: 8/17/2022 9:20:40 PM
To: Nicholson, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=323474be18a3439e90b95d4e32fedade-Nicholson,]
Subject: Re: Pearl River/One Lake: Follow-up Information

Good afternoon, Mr. Nicholson,

I am writing to give you an update on City of Jackson Sanitary Sewer Overflow (SSO) numbers as they apply to the potential One Lake project.

The City of Jackson Sewer Consent Decree Quarterly Report for April-June 2022 was recently released (https://www.cojcd.org/_files/ugd/9f716c_e6905e39fe344e2ebd2879cf282d106b.pdf). According to the report, in April-June 2022, City of Jackson had 77 SSO events that released 67.5 million gallons of untreated sewage to Waters of the State. More sewage was released in those 3 months than the entire amount released in 2021. 54 of the SSOs in the April-June Quarterly Report are listed as ongoing/unresolved. 11 of the SSOs in April-June released over one million gallons at a single location.

This is the amount of sewage released in 3 months to the tributaries that drain to the One Lake project area:
14.7 million gallons to Lynch Creek
4 million gallons to Belhaven Creek
23.1 million gallons to Town Creek
1.9 million gallons to Eubanks Creek
8.8 Hanging Moss Creek
4 million gallons to Eastover Creek

Pearl Riverkeeper has concerns that the One Lake project would slow and impound the flow of sewage from the Jackson tributaries leaving a eutrophic body of water unsuitable for aquatic life.

Thank you and please let me know if you have any questions.

On Fri, Jun 10, 2022 at 8:15 AM Mastrototaro, Jill <Jill.Mastrototaro@audubon.org> wrote:

> Good Morning, John,
>
> We want to extend our deep thanks for the opportunity to meet with you and your team this week to discuss the many serious threats that the "One Lake" plan poses to the Pearl River's local and downstream communities and ecology.
>
> This harmful, environmentally destructive real estate development scheme would destroy thousands of acres of vital wetlands and instream habitats, put more people and property in harm's way, and exacerbate flood risks and environmental injustices, especially for the Jackson area.
>
> We firmly believe this plan should be rejected; instead the priority should be to implement natural infrastructure and non-structural flood mitigation alternatives that can deliver effective, environmentally sustainable relief. We stand ready to partner with EPA, the Corps, and other stakeholders to deliver these meaningful solutions.
>
> Please find follow-up information attached:
>
> 1. **PDF** of our presentation

2. **5 sets of technical comments** that our organizations submitted on the Levee Board's 2018 Draft Study.

3. **6 attachments** corresponding to the WRDA provisions and related guidance documents associated with this proposal, and **33 USC 2231,** which applies to all feasibility studies prepared by non-federal sponsors.

4. **Contact information** for our group is provided below

We hope you and your team will reach out to any of us with questions or for more details. Meanwhile, we will continue working to get clarity from the ASACW's office on next steps and will share anything we learn. Thank you again, and we look forward to staying in touch.

Best regards,

Jill

Jill Mastrototaro
Mississippi Policy Director, Audubon Delta
Jill.mastrototaro@audubon.org // (504) 481-3659

Abby Braman
Executive Director, Pearl Riverkeeper
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Louie Miller
State Director, Mississippi Chapter of the Sierra Club
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Melissa Samet
Senior Water Resources Counsel, National Wildlife Federation
sametm@nwf.org // (415) 762-8264

Andrew Whitehurst
Water Program Director, Healthy Gulf
andrew@healthygulf.org // (601) 954-7236

Jill Mastrototaro
Mississippi Policy Director
504.481.3659

Audubon Delta
PO Box 2026
Ridgeland, MS 39158

Message

From: Kajumba, Ntale [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2A0BB710CFF544D483D0EE7013CA65FF-KAJUMBA, NTALE]
Sent: 10/4/2022 12:04:23 PM
To: Nicholson, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=323474be18a3439e90b95d4e32fedade-Nicholson,]
Subject: RE: Pearl River One Lake Project Will Exacerbate the Jackson Water Crisis

Good morning John,

Thanks for forward this information. I checked in with the Corps HQs about a week ago to see where they were with this project.

Ntale

Ntale Kajumba
Acting Director
Strategic Programs Office
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Tel: (404) 562-9620
Email: Kajumba.ntale@epa.gov

From: Nicholson, John <Nicholson.John@epa.gov>
Sent: Tuesday, October 4, 2022 8:01 AM
To: Kajumba, Ntale <Kajumba.Ntale@epa.gov>
Subject: FW: Pearl River One Lake Project Will Exacerbate the Jackson Water Crisis

Ntale – FYI

John A. Nicholson
Chief of Staff
US Environmental Protection Agency – Region 4
Nicholson.john@epa.gov
404.562.8184 office

From: Melissa Samet <sametm@nwf.org>
Sent: Monday, October 3, 2022 6:15 PM
To: Blackman, Daniel <Blackman.Daniel@epa.gov>
Cc: Regan, Michael <Regan.Michael@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Nicholson, John <Nicholson.John@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Sabater, Juan <Sabater.Juan@epa.gov>
Subject: Pearl River One Lake Project Will Exacerbate the Jackson Water Crisis

Dear Regional Administrator Blackman:

Please see the attached letter that highlights the significant ways in which the proposed Pearl River Flood Risk Management Project ("One Lake") would exacerbate the dire drinking and wastewater public health emergency plaguing the residents and businesses in Jackson Mississippi. The National Wildlife Federation, Audubon Delta, Healthy

Gulf, Sierra Club, and Pearl Riverkeeper call on EPA and the Corps of Engineers to reject this destructive and ill-conceived project that will do nothing but make the situation in Jackson even worse.

We also wanted to highlight today's decision by the Corps to allocate $211 million in construction funding to the One Lake project under the Bipartisan Infrastructure Law despite the fact that EPA has not had an opportunity to weigh in on the project or to review the project for compliance with the Clean Water Act. This decision is extremely troubling given the vast array of unacceptable impacts from this economic development project, the project's significant and disproportionate impacts on low income and predominantly Black residents, the many problems with the planning process to date, and the current status of the planning process.

Melissa Samet
Senior Water Resources Counsel
National Wildlife Federation
(o) 415-762-8264
(c) 415-577-9193
sametm@nwf.org

Message

From: Mastrototaro, Jill [Jill.Mastrototaro@audubon.org]
Sent: 1/10/2023 7:58:52 PM
To: Nicholson, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=323474be18a3439e90b95d4e32fedade-Nicholson,]
Subject: RE: Pearl River/One Lake: 1/10/23 Follow-up Information

Thank you for "corralling" such a comprehensive group of staff and sharing the info. 2023 looks to be another interesting year and I hope you stay well!

From: Nicholson, John <Nicholson.John@epa.gov>
Sent: Tuesday, January 10, 2023 12:54 PM
To: Mastrototaro, Jill <Jill.Mastrototaro@audubon.org>; Abby Braman <abbybraman@gmail.com>; andrew_healthygulf.org <andrew@healthygulf.org>; Louie Miller <louie.miller@sierraclub.org>; Melissa Samet <sametm@nwf.org>
Subject: RE: Pearl River/One Lake: 1/10/23 Follow-up Information

Thanks Jill,

It was great seeing everyone and thanks for the update. Some good information this morning and very helpful to our folks here in R4.

For what it is worth, you had the DRA, Director ECAD, Dep ORC, NEPA and several members of the water division on the call.

I'll share all the info you have provided with them.

All the best,

John

John A. Nicholson
Chief of Staff
US Environmental Protection Agency – Region 4
Nicholson.john@epa.gov
404.562.8184 office

From: Mastrototaro, Jill <Jill.Mastrototaro@audubon.org>
Sent: Tuesday, January 10, 2023 12:50 PM
To: Nicholson, John <Nicholson.John@epa.gov>; Abby Braman <abbybraman@gmail.com>; andrew_healthygulf.org <andrew@healthygulf.org>; Louie Miller <louie.miller@sierraclub.org>; Melissa Samet <sametm@nwf.org>
Subject: Pearl River/One Lake: 1/10/23 Follow-up Information

Hello John,

We sincerely appreciate meeting with you and your team this morning to provide an update on the serious threats the One Lake plan poses to the Pearl River Basin and its communities – many of which cannot be corrected or ameliorated.

We remain steadfast that this harmful, environmentally destructive real estate development scheme should be rejected; instead the priority should be on implementing nature-based and non-structural flood mitigation alternatives that can

deliver effective, environmentally sustainable relief for the Jackson area. We are a ready partner and resource to help deliver these meaningful solutions.

Please find follow-up information attached:

1. **PDF** of today's presentation

2. **GAO's 1979 Flood Report**

3. Our groups' most **recent letters to ASACW Connor and RA Blackmon** that highlight new concerning information, which are dated Sept. 2, 2022, and Oct. 3, 2022

4. **Our contact information** is provided below

We hope you and your team will reach out to any of us with questions or for more details. We will continue to share any new information learned that may be helpful. Thank you again, and we look forward to staying in touch.

Kind regards,

Jill

Jill Mastrototaro
Mississippi Policy Director, Audubon Delta
Jill.mastrototaro@audubon.org // (504) 481-3659

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Executive Director, Pearl Riverkeeper
abbybraman@gmail.com // (540) 419-7567

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Andrew Whitehurst
Water Program Director, Healthy Gulf
andrew@healthygulf.org // (601) 954-7236

Jill Mastrototaro
Mississippi Policy Director
504.481.3659

Audubon Delta
PO Box 2026
Ridgeland, MS 39158

Message

From: Hicks, Matt [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EAA50F546C9B440A98C82F4E9BD5BD69-HICKS, MATTHEW]
Sent: 6/29/2022 6:13:37 PM
To: Nicholson, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=323474be18a3439e90b95d4e32fedade-Nicholson,]
Subject: RE: Pearl River/One Lake: Study Process Update

Thanks John.

From: Nicholson, John <Nicholson.John@epa.gov>
Sent: Wednesday, June 29, 2022 1:08 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Diaz, Denisse <Diaz.Denisse@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Kajumba, Ntale <Kajumba.Ntale@epa.gov>; Ainslie, William <Ainslie.William@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Champagne, David <Champagne.David@epa.gov>
Subject: FW: Pearl River/One Lake: Study Process Update

FYSA

John A. Nicholson
Chief of Staff
US Environmental Protection Agency – Region 4
Nicholson.john@epa.gov
404.562.8184 office

From: Mastrototaro, Jill <Jill.Mastrototaro@audubon.org>
Sent: Wednesday, June 29, 2022 12:48 PM
To: Nicholson, John <Nicholson.John@epa.gov>
Cc: Abby Braman <abbybraman@gmail.com>; Andrew Whitehurst <andrew@healthygulf.org>; Melissa Samet <sametm@nwf.org>; Louie Miller <louie.miller@sierraclub.org>
Subject: Pearl River/One Lake: Study Process Update

Good Afternoon, John,

As a follow up to the significant Pearl River/One Lake study process concerns that Audubon and our conservation partners shared with you and your staff, please find a summary of some of the problems below.

Also, last week in phone call with Andrea Walker/ASACW's office, we learned that the Corps still has not decided whether the proposal would be published as a Draft or Final EIS in the Federal Register, if the project advances to that stage. The attorney for the local sponsor recently indicated that the study would be released as a Final EIS. If the EIS is released as a final, the Corps has not complied with the Independent External Peer Review (IEPR) requirements, which state that the IEPR report must be completed and made available to the public within 60 days after the last day of the public comment period for the draft project study (33 USC 2343(e)).

To reiterate, we adamantly believe this study should not move forward. However, if it does move forward it must be published in the Federal Register as a Draft EIS due to the multitude of shortcomings in the 2018 Draft Study and the fact that the prior comment periods were not published in the Federal Register or otherwise properly noticed. The U.S. Fish & Wildlife Service also has recommended that the 2018 Draft Study be started over.

We respectfully urge your office to contact the ASACW to reinforce the critical need for a robust public comment period on this project if it moves forward, which must include issuing a Federal Register notice on a Draft EIS. We hope you will

also ask for a clear, written statement on the steps that will be followed going forward to ensure that the project complies with federal law and policy.

Thank you for your consideration, and please don't hesitate to let us know how we can be helpful.

Best regards,

Jill

The following is a summary of some of the problems with the Pearl River/One Lake 2018 Draft Study process:

For years, Audubon, Healthy Gulf, Mississippi Sierra Club, National Wildlife Federation, and Pearl Riverkeeper, have received conflicting information on the required procedures for the non-Federal sponsor study of the Pearl River Basin, Mississippi Federal Flood Risk Management Project in Mississippi. Conflicting information has come from the non-Federal sponsor, the Vicksburg District of the Corps, Corps Headquarters staff, and the Office of the Assistant Secretary. EPA and U.S. Fish and Wildlife Service (FWS) also appear uncertain of the proper procedures. EPA determined that it did not have to provide comments on the 2018 Draft EIS released by the non-Federal sponsor because the project had not been "federalized." FWS, on the other hand, prepared a Fish and Wildlife Coordination Act Report and a Biological Opinion based on the non-Federal sponsor's draft EIS, though neither document was released to the public until well after the close of the public comment period on the non-Federal sponsor draft. To date, no independent external peer review has been carried out on the non-Federal sponsor study, despite the clear applicability of the independent external peer review requirements.

The confusion surrounding the process being used had—and continues to have—significant implications for public engagement and input. The public comment period on the non-Federal sponsor's 2018 Draft EIS was poorly noticed, the draft study documents were extremely difficult to access, and key analyses and information were missing from the draft. Both the non-Federal sponsor and the Vicksburg District refused to provide requested technical information to help the public understand the project study, despite the requirements of 33 USC 2342, with the Vicksburg District arguing that they were not required to provide the requested information because the project was not a federal project. The public also was unable to ascertain whether the non-Federal sponsor's comment period was the "official" comment period required by the National Environmental Policy Act and thus, the only comment period that would be provided on the draft EIS. The process for finalizing the EIS remains unclear.

Jill Mastrototaro
Mississippi Policy Director
504.481.3659

Audubon Delta
PO Box 2026
Ridgeland, MS 39158

Message

From: Kajumba, Ntale [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2A0BB710CFF544D483D0EE7013CA65FF-KAJUMBA, NTALE]
Sent: 1/11/2023 1:46:58 PM
To: Nicholson, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=323474be18a3439e90b95d4e32fedade-Nicholson,]
Subject: RE: Pearl River/One Lake: 1/10/23 Follow-up Information

Thank you John!

Ntale

From: Nicholson, John <Nicholson.John@epa.gov>
Sent: Tuesday, January 10, 2023 3:39 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Kajumba, Ntale <Kajumba.Ntale@epa.gov>; Diaz, Denisse <Diaz.Denisse@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: FW: Pearl River/One Lake: 1/10/23 Follow-up Information

All – follow up info from this mornings call. Thenks!

John

John A. Nicholson
Chief of Staff
US Environmental Protection Agency – Region 4
Nicholson.john@epa.gov
404.562.8184 office

From: Mastrototaro, Jill <Jill.Mastrototaro@audubon.org>
Sent: Tuesday, January 10, 2023 12:50 PM
To: Nicholson, John <Nicholson.John@epa.gov>; Abby Braman <abbybraman@gmail.com>; andrew_healthygulf.org <andrew@healthygulf.org>; Louie Miller <louie.miller@sierraclub.org>; Melissa Samet <sametm@nwf.org>
Subject: Pearl River/One Lake: 1/10/23 Follow-up Information

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We remain steadfast that this harmful, environmentally destructive real estate development scheme should be rejected; instead the priority should be on implementing nature-based and non-structural flood mitigation alternatives that can deliver effective, environmentally sustainable relief for the Jackson area. We are a ready partner and resource to help deliver these meaningful solutions.

Please find follow-up information attached:

1. **PDF** of today's presentation
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3. Our groups' most **recent letters to ASACW Connor and RA Blackmon** that highlight new concerning information, which are dated Sept. 2, 2022, and Oct. 3, 2022

4. **Our contact information** is provided below

We hope you and your team will reach out to any of us with questions or for more details. We will continue to share any new information learned that may be helpful. Thank you again, and we look forward to staying in touch.

Kind regards,

Jill

Jill Mastrototaro
Mississippi Policy Director, Audubon Delta
Jill.mastrototaro@audubon.org // (504) 481-3659

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Mississippi Policy Director
504.481.3659

Audubon Delta
PO Box 2026
Ridgeland, MS 39158

Message

From: Melissa Samet [sametm@nwf.org]
Sent: 1/30/2023 8:39:38 PM
To: Nicholson, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=323474be18a3439e90b95d4e32fedade-Nicholson,]
CC: Mastrototaro, Jill [Jill.Mastrototaro@audubon.org]; Abby Braman [abbybraman@gmail.com]; andrew_healthygulf.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c053119d37f341fdaa658972adaa2b1c-andrew_heal]; Louie Miller [louie.miller@sierraclub.org]
Subject: Pearl River One Lake Project: New Information
Attachments: Miss House Bill 993_Prohibts One Lake_14 co-sponsors.pdf

Good afternoon John,

I wanted to share the recently introduced Mississippi House Bill that would prohibit construction of the One Lake project. This bill provides yet another example of the depth of opposition to this incredibly destructive project. The bill has 14 sponsors (a very large number for a MS House bill), including the House Appropriations Chairman John Read.

Please don't hesitate to reach out to any of us if you'd like more information on this or have any questions.

Best regards,
--Melissa

Melissa Samet
Legal Director, Water Resources and Coasts
National Wildlife Federation
(o) 415-762-8264
(c) 415-577-9193
sametm@nwf.org

From: Mastrototaro, Jill <Jill.Mastrototaro@audubon.org>
Sent: Tuesday, January 10, 2023 9:50 AM
To: John Nicholson <nicholson.john@epa.gov>; Abby Braman <abbybraman@gmail.com>; Andrew Whitehurst <andrew@healthygulf.org>; Louie Miller <louie.miller@sierraclub.org>; Melissa Samet <sametm@nwf.org>
Subject: Pearl River/One Lake: 1/10/23 Follow-up Information

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4. **Our contact information** is provided below

We hope you and your team will reach out to any of us with questions or for more details. We will continue to share any new information learned that may be helpful. Thank you again, and we look forward to staying in touch.

Kind regards,

Jill

Jill Mastrototaro
Mississippi Policy Director, Audubon Delta
Jill.mastrototaro@audubon.org // (504) 481-3659

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MISSISSIPPI LEGISLATURE REGULAR SESSION 2023

By: Representatives Currie, Bennett, Carpenter, Evans (91st), Felsher, Haney, Hobgood-Wilkes, Ladner, Mangold, Morgan, Owen, Read, Wallace, Pigott

To: Ways and Means

HOUSE BILL NO. 993

AN ACT TO PROHIBIT THE RANKIN-HINDS PEARL RIVER FLOOD AND DRAINAGE CONTROL DISTRICT FROM IMPLEMENTING THE ONE LAKE FLOOD CONTROL PROJECT, AS PROVIDED UNDER THE FEDERAL WATER RESOURCES DEVELOPMENT ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

WHEREAS, the proposed One Lake flood control project, as provided under the Water Resources Development Act, which would create a 1,500-acre lake on the Pearl River near downtown in the City of Jackson, by using a weir, or low-head dam, below Interstate 20, is a costly and destructive project that would not reduce flood risks; and

WHEREAS, the One Lake project rejects effective flood measures and has major implications, such as increased flooding along tributaries, exposing communities to toxic contamination, ruining the oyster industry along the Mississippi Gulf Coast, exacerbating the water crisis in the City of Jackson, and causing massive damage to river and floodplain habitats; and

WHEREAS, rather than a project with such tremendous consequences, such as the One Lake project, a more cost effective

plan that does not threaten downstream interest industries and ecology is necessary to reduce flood risks in the state; NOW THEREFORE,

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Notwithstanding any provision of law to the contrary, the Rankin-Hinds Pearl River Flood and Drainage Control District is prohibited from implementing the One Lake flood control project, as provided under the federal Water Resources Development Act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Message

From: Barfield, Connie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DC91F3610E8044B8B02B189DA09033C8-BARFIELD, CONNIE]
Sent: 2/13/2023 10:50:42 PM
To: Nicholson, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=323474be18a3439e90b95d4e32fedade-Nicholson,]; Hairston, Brandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=44a6eb4039d7494386ecc7ef7b34ec74-Hairston, B]; Verdejo, Rondia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7539c152c8e14b9f9598ce9da53ede2d-bd22e98c-78]
CC: Champagne, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f02723bdea204d23a5e5990d96def3d1-Champagne, David]; Ceron, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b03966abf9ea4f0490c8fe49ed5519b4-Ceron, Heather]
Subject: FW: Spring 2023 SERPPAS Steering Committee Meeting
Attachments: SERPPAS Spring 2023 Steering Committee Meeting Logistics_2-9-2023.pdf

Logistics for the Spring SERPPAS are attached.

Connie Barfield
Program Specialist
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(404) 562-8226

From: SERPPAS Info <info@serppas.org>
Sent: Monday, February 13, 2023 5:18 PM
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Subject: Spring 2023 SERPPAS Steering Committee Meeting

Good afternoon,

The Spring 2023 SERPPAS Steering Committee Meeting has been scheduled for Wednesday, March 8 to Thursday March 9, 2023, at the Georgia Department of Natural Resources Floyd Building in Atlanta, Georgia. This meeting will be convening the SERPPAS Steering Committee to report on progress and advance the objectives of the 2022+ SERPPAS Strategic Plan.

This meeting is organized for the SERPPAS Steering Committee member agencies and work group leads and is open for other partner organizations and agencies to attend as appropriate. Registration through the SERPPAS website is required, whether attending in person or virtually. Steering Committee members are encouraged to attend in person unless unable to due to unavoidable conflicts or travel restrictions. As always, a summary of the meeting will be shared with the SERPPAS partner network after the meeting.

Regards,
Meghan Riley
(on behalf of Addie Thornton, SERPPAS Coordinator)

Message

From: Mastrototaro, Jill [Jill.Mastrototaro@audubon.org]
Sent: 3/21/2023 5:35:25 PM
To: Nicholson, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=323474be18a3439e90b95d4e32fedade-Nicholson,]; Louie Miller [louie.miller@sierraclub.org]
Subject: Yazoo Backwater Pumps: Roundtable Follow-up
Attachments: Yazoo Pumps_Stakeholder Roundtable Follow-up Letter_w attachments_Final_03-20-23.pdf

Hello John,

We hope this finds you well –

We wanted to be sure you a copy of the conservation organizations' letter to EPA and the Corps as a follow up to our February 16, 2023, Yazoo Pumps roundtable meeting.

The attachment summarizes key points we made as well and information requested by Assistant Secretary Connor during that meeting: a summary of specific recommendations for nonstructural, natural and nature-based solutions for the Yazoo Backwater Area at Attachment A; and an assessment of how the Yazoo Pumps work on the landscape along with related questions for Corps planning staff at Attachment B.

As we reiterated during the roundtable discussion, our organizations remain steadfast in opposing any variation of the Yazoo Backwater Pumping Plant because it will cause unacceptable harm to the region's hemispherically significant wetlands and will not reduce flood risks for vulnerable communities. Instead of continuing to advance this destructive and ineffective project, our organizations once again call on EPA and the Corps to support deployment of highly effective non-structural, natural, and nature-based flood risk reduction solutions as also requested by many local community leaders.

We hope this letter is helpful to you and your team, and please don't hesitate to reach out if you have any questions or need additional information.

Kind regards,
Jill

Jill Mastrototaro
Mississippi Policy Director
504.481.3659

Audubon Delta
PO Box 2026
Ridgeland, MS 39158

Message

From: Nicholson, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=323474BE18A3439E90B95D4E32FEDADE-NICHOLSON,]
Sent: 10/4/2022 12:00:55 PM
To: Kajumba, Ntale [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2a0bb710cff544d483d0ee7013ca65ff-Kajumba, Ntale]
Subject: FW: Pearl River One Lake Project Will Exacerbate the Jackson Water Crisis
Attachments: NGO Ltr_One Lake and Jackson Water Crisis_10-03-22_Final.pdf; 22.10.03_BID IIJA Construction Addendum Final CLEARED w TC REV 2_1.pdf

Ntale – FYI

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404.562.8184 office

From: Melissa Samet <sametm@nwf.org>
Sent: Monday, October 3, 2022 6:15 PM
To: Blackman, Daniel <Blackman.Daniel@epa.gov>
Cc: Regan, Michael <Regan.Michael@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Nicholson, John <Nicholson.John@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Sabater, Juan <Sabater.Juan@epa.gov>
Subject: Pearl River One Lake Project Will Exacerbate the Jackson Water Crisis

Dear Regional Administrator Blackman:

Please see the attached letter that highlights the significant ways in which the proposed Pearl River Flood Risk Management Project ("One Lake") would exacerbate the dire drinking and wastewater public health emergency plaguing the residents and businesses in Jackson Mississippi. The National Wildlife Federation, Audubon Delta, Healthy Gulf, Sierra Club, and Pearl Riverkeeper call on EPA and the Corps of Engineers to reject this destructive and ill-conceived project that will do nothing but make the situation in Jackson even worse.

We also wanted to highlight today's decision by the Corps to allocate $211 million in construction funding to the One Lake project under the Bipartisan Infrastructure Law despite the fact that EPA has not had an opportunity to weigh in on the project or to review the project for compliance with the Clean Water Act. This decision is extremely troubling given the vast array of unacceptable impacts from this economic development project, the project's significant and disproportionate impacts on low income and predominantly Black residents, the many problems with the planning process to date, and the current status of the planning process.

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Message

From: Hudson, Wanda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6BA5D3E618BC4D729BE6D025D4B1D7CF-HUDSON, WANDA]
Sent: 11/9/2022 3:40:37 PM
To: Jones, Erica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d76eb473547943899709755de7f4f917-Jones, Eric]; Wise, Allison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=763a1079917346d1a4f504dc8bf5c108-Wise, Allison]; Jones, Aaryn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c2bed08a5bd54dc5a9d59c5a345c9892-Jones, Aaryn]
Subject: Incoming Correspondence - no action required
Attachments: Gisler 11-4-22_CC.pdf

The attached has been forwarded to the region through CMS as a FYI or as a courtesy copy. I am forwarding it to you for awareness only. No further action by the region is required.

Wanda E. Hudson
Correspondence Specialist
Public and Governmental Affairs Section
Outreach & External Engagement Office
(404) 562-9351

Sun Nov 06 20:22:53 EST 2022
EPAExecSec <EPAExecSec@epa.gov>
FW: Upcoming NPDES PFAS guidance
To: "CMS.OEX" <cms.oex@epa.gov>

Reading file

From: Geoff Gisler <ggisler@selcnc.org>
Sent: Friday, November 4, 2022 11:07 AM
To: Regan, Michael <Regan.Michael@epa.gov>
Cc: Pigott, Bruno <Pigott.Bruno@epa.gov>; Kloss, Christopher <Kloss.Christopher@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Cope, Grant <Cope.Grant@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Liz Zepeda <lzepeda@selcdc.org>; Bonnie Angermeier <bangermeier@selcdc.org>; Jackie Cohen <jacqueline@waxmanstrategies.com>
Subject: Upcoming NPDES PFAS guidance

Dear Administrator Regan:

It was great to see you recently at the River of the Year event in Goldsboro. As I mentioned there, we appreciate your leadership on improving PFAS protections. EPA is making so many important strides under the PFAS Roadmap. We believe that EPA's upcoming guidance on NPDES permitting provides a critical opportunity to improve protections for communities in the near term. We recently observed the potential of the NDPES program when NCDEQ issued the last major permit to Chemours under the consent order. It is the most protective permit I have seen in the nation—essentially eliminating PFAS discharges—and is a model for what states across the country could do to stop PFAS pollution.

I have attached a letter on behalf of more than 70 community groups that are concerned about PFAS pollution. We urge EPA to issue guidance that directs states to use the full authority of the Clean Water Act to protect our communities, with particular focus on the use of technology to prevent PFAS discharges.

Best regards,

Geoff

Geoffrey R. Gisler

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he/his/him

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November 4, 2022

Via Electronic Mail
Administrator Michael S. Regan
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
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Regan.Micheal@epa.gov

Dear Administrator Regan:

We write as representatives of communities plagued by PFAS pollution, communities concerned about future pollution, and those who have yet to discover contamination.[1] Too little has been done to protect our communities for too long. This winter, your agency can change that. Although we appreciate the actions EPA has taken, they have not yet reduced PFAS exposure on the ground. The EPA's upcoming permitting guidance for state agencies implementing the National Pollutant Discharge Elimination System (NPDES) stands alone among the actions listed in the agency's PFAS Strategic Roadmap as having the potential to result in near-term reductions in PFAS discharges.

Your experience in North Carolina is an example of the widespread challenges we face and the promise of the Clean Water Act. Communities in southeastern North Carolina were exposed to toxic levels of PFAS for decades. As recently as 2017, the Cape Fear River had PFAS concentrations near 1,000,000 parts per trillion. Now, thanks to your enforcement of the Clean Water Act, levels in the river have drastically declined—yet more must be done to protect communities downstream.

Your action in North Carolina made a significant difference to reduce exposure from a facility known to manufacture PFAS. But across the country, there are hundreds of facilities known or expected to manufacture or use PFAS and discharge them directly into our waters, and many publicly owned treatment works (POTWs) accept wastewater from industrial users who have PFAS in their wastewater. These facilities have mostly operated under the radar, with most states operating under a policy of: "if we don't ask if you have it, we don't have to control it," when it comes to PFAS. This leaves communities with huge gaps in understanding of where their PFAS exposures are coming from.

[1] The Southern Environmental Law Center submits this letter on behalf of the listed organizations. Please contact Geoff Gisler at ggisler@selcnc.org or 919-967-1450 with any questions or subsequent correspondence.

As demonstrated in North Carolina, the Clean Water Act and EPA's existing regulations already provide the tools needed to stop the flow of PFAS pollution into our nation's waters and ensure that polluters—regardless of whether they manufacture PFAS—bear the costs of preventing and controlling PFAS contamination. A permit recently issued to Chemours demonstrates the power of the Clean Water Act.[2] Using the EPA's NPDES Permit Writers' Manual, the N.C. Department of Environmental Quality set technology-based effluent limits of 10 ppt for GenX, 10 ppt for PMPA, and 20 ppt for PFMOAA as indicator compounds. With these limits, Chemours will be required to reduce PFAS discharges to near or below the level of detection. Every community affected by PFAS contamination deserves this level of protection.

In April, EPA issued guidance for federal NPDES permits under the Clean Water Act that recognizes the need to identify and control sources of PFAS pollution, including industrial sources that discharge directly to waters and those that send waste through POTWs.[3] Yet if EPA adopts this guidance nationwide, its reliance on best management practices over proven control technology, in particular, will slow cleanup of PFAS in our communities and deter state agencies from issuing protective permits like the one recently issued to Chemours.

EPA's April memo was inconsistent with federal law in three critical ways that, if adopted by the forthcoming guidance, will protect polluters and interfere with ongoing efforts by communities to protect themselves. We request three changes:

- EPA must clarify that known or suspected sources have an ongoing obligation to disclose PFAS pollution as part of their existing NPDES permit and cannot delay disclosure until the next permit cycle.

- The guidance must set forth clear requirements to incorporate technology-based effluent limits (TBELs) on a case-by-case basis in NPDES permits for PFAS dischargers. Existing law and regulations explicitly state that TBELs are the minimum level of pollution control required, but they have not been consistently implemented for PFAS.[4] Best management practices cannot substitute for TBELs.

- EPA must clarify that POTWs are required to evaluate the introduction of PFAS into their systems and use existing authority to ensure industrial users

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[2] N.C. DEQ, Chemours Fayetteville Works Facility, NPDES permit, NPDES NO. NC0090042, https://perma.cc/84X4-XCDA; *see also* N.C. DEQ, Chemours Fayetteville Works Facility, fact sheet, NPDES NO. NC0090042, https://perma.cc/MP4W-9WCH.

[3] Fox, Radhika. *Addressing PFAS Discharges in EPA-Issued NPDES Permits and Expectations Where EPA Is the Pretreatment Control Authority.* Environmental Protection Agency, Office of Water, 28 Apr. 2022, https://perma.cc/4JPU-AJT8.

[4] 40 C.F.R. §125.3.

pretreat PFAS waste consistent with the prohibition on pass-through or interference.

Enforcement and prompt implementation is also critical. For example, EPA manages the pretreatment program in New York, yet EPA Region 2 has not implemented the April guidance in any New York POTW permit.

PFAS pollution is a serious threat to our communities. The NPDES permitting guidance is the only action in the PFAS Strategic Roadmap that has the potential to reduce PFAS discharges in the near term under existing regulatory authority. Although valuable, EPA's research efforts and National Testing Strategy will not reduce PFAS pollution in the immediate future. Effluent limitation guidelines will take many years to promulgate and will only cover certain industries. Classifying PFOA and PFOS as hazardous wastes will aid in cleanup for those two chemicals but much more needs to be done to stop the worsening crisis.

By March 2023, less than six years after the public learned of Chemours' pollution, every major PFAS pollution pathway at the company's site will be controlled through the appropriate permits. The N.C. Department of Environmental Quality and community groups used the authority in the Clean Water Act to make rapid progress cleaning up the worst environmental disaster in North Carolina history. But that approach is not being used consistently at other PFAS pollution sources in North Carolina or other states. Communities across the country deserve the protection of the Clean Water Act. We urge EPA to use its existing authority to ensure that protection by releasing guidance that clarifies states' full responsibility under the Clean Water Act to stop PFAS pollution at the source.

Sincerely,

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